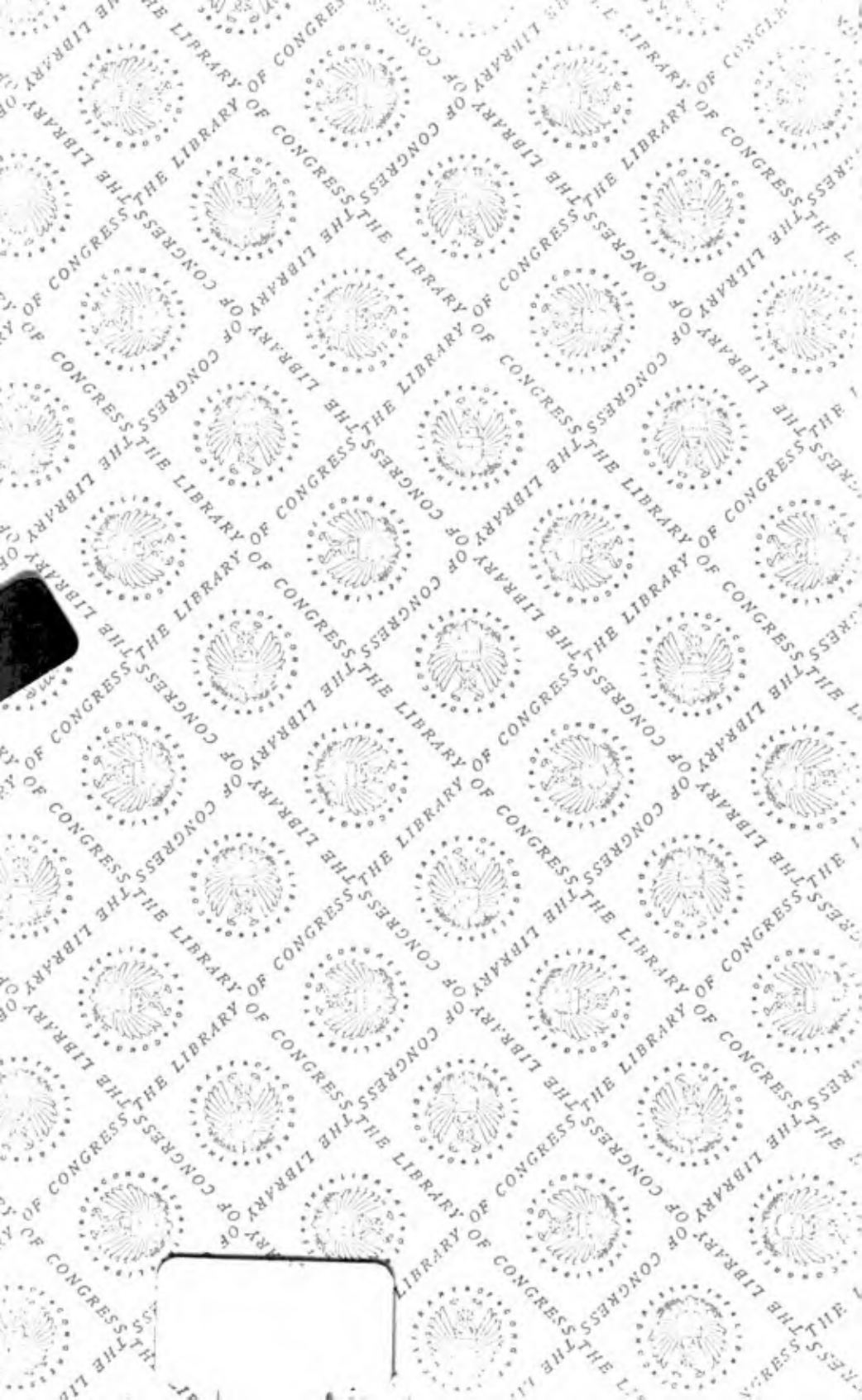
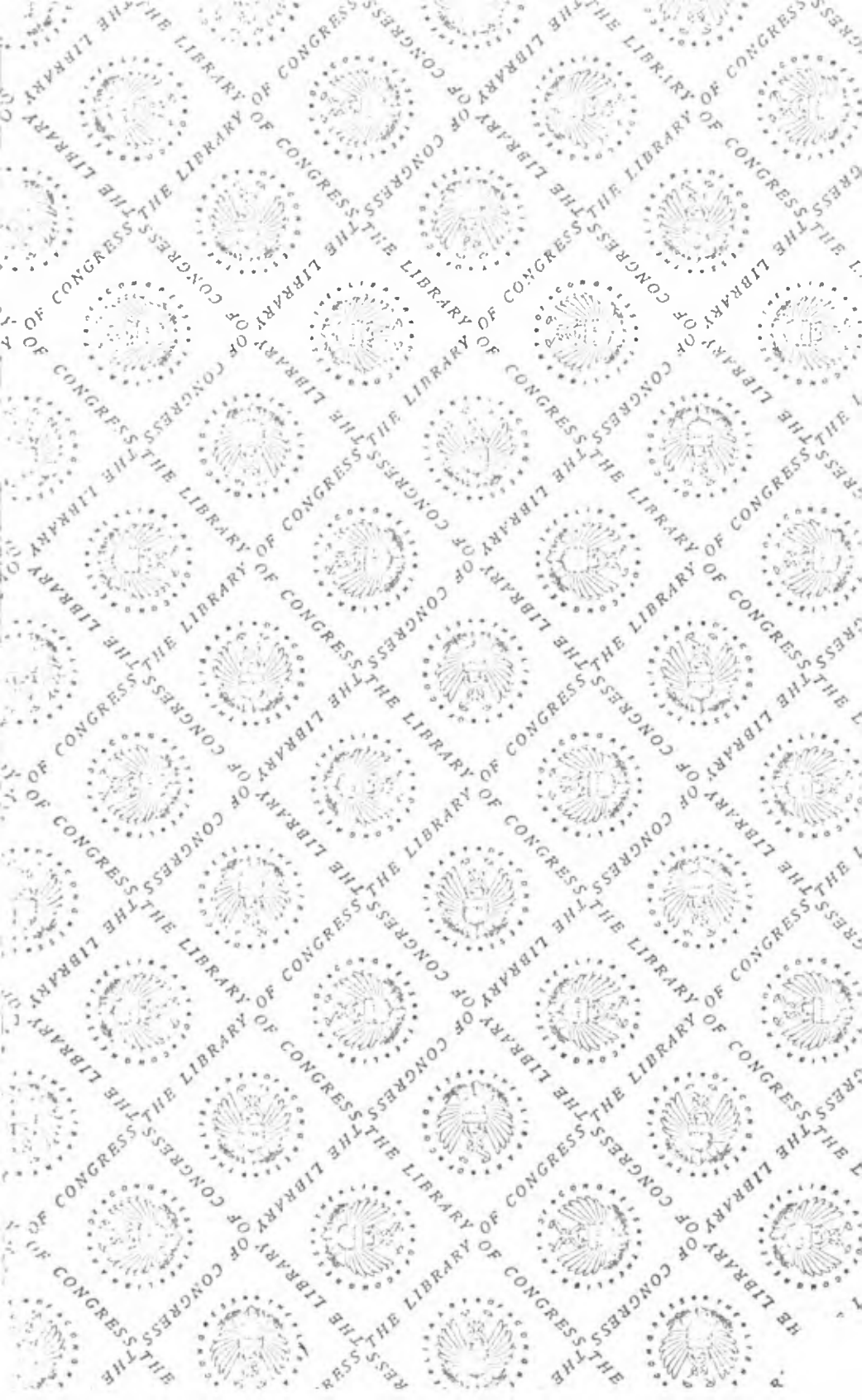


**KF 27**

**.J858**

**1976**

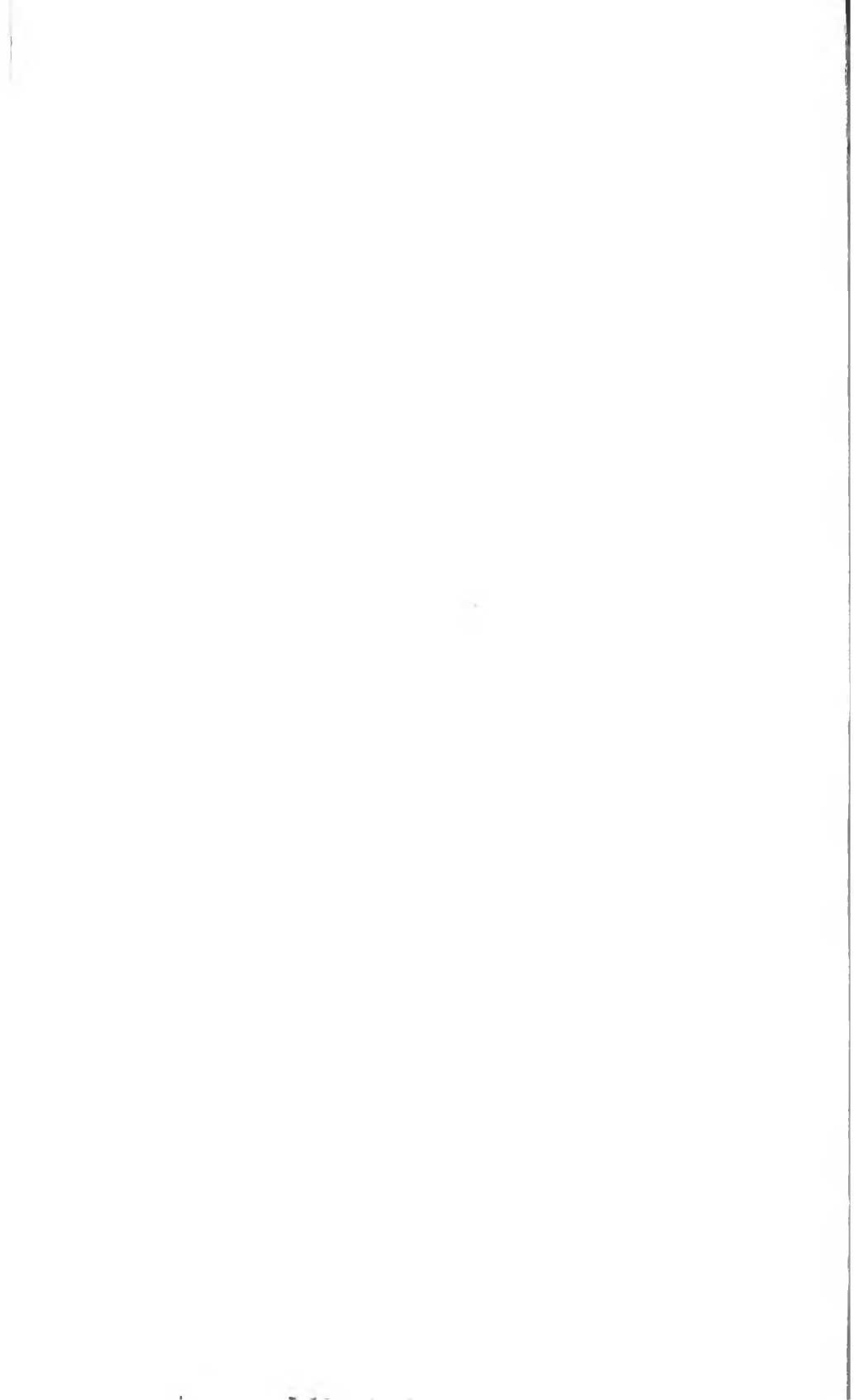












# **FIREARMS LEGISLATION**

---

**HEARINGS**  
BEFORE THE  
**SUBCOMMITTEE ON CRIME**  
OF THE  
**COMMITTEE ON THE JUDICIARY**  
**HOUSE OF REPRESENTATIVES**  
NINETY-FOURTH CONGRESS  
FIRST SESSION  
ON  
**FIREARMS LEGISLATION**

4 - JAN 26  
Copy 1976

These hearings are in 8 parts. Part 1 (Washington) February 18, 20, 27, March 5, 6, 13, 20, 26, and April 9; Part 2 (Chicago) April 14 and 15; Part 3 (Detroit) June 9 and 10; Part 4 (Cleveland) June 16; Part 5 (Denver) June 23; Part 6 (Atlanta) July 21; Part 7 (New York) July 25; Part 8 (Washington) May 14, July 17, 23, 24, September 24, and October 1, and 8, 1975

**Serial No. 11**

**Part 5**

**Denver**





# FIREARMS LEGISLATION

*United States Congress House Committee  
on the Judiciary Subcommittee on Crime*

## HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

FIREARMS LEGISLATION

These hearings are in 8 parts. Part 1 (Washington) February 18, 20, 27, March 5, 6, 13, 20, 26, and April 9; Part 2 (Chicago) April 14 and 15; Part 3 (Detroit) June 9 and 10; Part 4 (Cleveland) June 16; Part 5 (Denver) June 23; Part 6 (Atlanta) July 21; Part 7 (New York) July 25; Part 8 (Washington) May 14, July 17, 23, 24, September 24, and October 1, and 9, 1975

Serial No. 11

Part 5

Denver



Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

52-557 O

WASHINGTON : 1975

KF27  
J838  
1975  
74.5

## COMMITTEE ON THE JUDICIARY

PETER W. RODINO, Jr., New Jersey, *Chairman*

JACK BROOKS, Texas	EDWARD HUTCHINSON, Michigan
ROBERT W. KASTENMEIER, Wisconsin	ROBERT MCCLORY, Illinois
DON EDWARDS, California	TOM RAILSBACK, Illinois
WILLIAM L. HUNGATE, Missouri	CHARLES E. WIGGINS, California
JOHN CONYERS, Jr., Michigan	HAMILTON FISH, Jr., New York
JOSHUA EILBERG, Pennsylvania	M. CALDWELL BUTLER, Virginia
WALTER FLOWERS, Alabama	WILLIAM S. COHEN, Maine
JAMES R. MANN, South Carolina	CARLOS J. MOORHEAD, California
PAUL S. SARBANES, Maryland	JOHN M. ASHBROOK, Ohio
JOHN F. SEIBERLING, Ohio	HENRY J. HYDE, Illinois
GEORGE E. DANIELSON, California	THOMAS N. KINDNESS, Ohio
ROBERT F. DRINAN, Massachusetts	
BARBARA JORDAN, Texas	
RAY THORNTON, Arkansas	
ELIZABETH HOLTZMAN, New York	
EDWARD MEZVINSKY, Iowa	
HERMAN BADILLO, New York	
ROMANO L. MAZZOLI, Kentucky	
EDWARD W. PATTISON, New York	
CHRISTOPHER J. DODD, Connecticut	
WILLIAM J. HUGHES, New Jersey	
MARTIN A. RUSSO, Illinois	

EARL C. DUDLEY, Jr., *General Counsel*

GARNER J. CLINE, *Staff Director*

HERBERT FUCHS, *Counsel*

WILLIAM P. SHATTUCK, *Counsel*

ALAN A. PARKER, *Counsel*

JAMES F. FALCO, *Counsel*

MAURICE A. BARROZA, *Counsel*

THOMAS W. HUTCHISON, *Counsel*

ARTHUR P. ENDRES, Jr., *Counsel*

DANIEL L. COHEN, *Counsel*

FRANKLIN G. POLK, *Counsel*

THOMAS E. MOONEY, *Counsel*

MICHAEL W. BLOMMER, *Counsel*

ALEXANDER B. COOK, *Counsel*

CONSTANTINE J. GEKAS, *Counsel*

ALAN F. COFFEY, Jr., *Counsel*

KENNETH N. KLEE, *Counsel*

---

## SUBCOMMITTEE ON CRIME

JOHN CONYERS, Jr., Michigan, *Chairman*

JAMES R. MANN, South Carolina	ROBERT MCCLORY, Illinois
GEORGE E. DANIELSON, California	JOHN M. ASHBROOK, Ohio
RAY THORNTON, Arkansas	
WILLIAM J. HUGHES, New Jersey	

MAURICE A. BARROZA, *Counsel*

TIMOTHY J. HART, *Assistant Counsel*

CONSTANTINE J. GEKAS, *Associate Counsel*

DOROTHY C. WADLEY, *Clerk*

MARICE C. WERTH, *Clerk*

# CONTENTS

	Page
Hearings held on June 23, 1975.....	1673

## WITNESSES

Benner, Huelet L., proprietor, Joe Benner Security Equipment, Inc., Hamden, Conn.....	1799
Biography.....	1809
Chow, Frank Robert, sporting goods store owner.....	1799
Biography.....	1799
Edwards, Hon. George, judge, U.S. Court of Appeals.....	1811
Prepared statement.....	1817
Gaunt, Billy L., Regional Director, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury.....	1703
Prepared statement.....	1705
Harmon, (Jim) James E., Assistant Regional Director, Criminal Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury.....	1703
Prepared statement.....	1714
Helfgott, Dee, coordinator, Coalition for Handgun Control of Southern California, Inc.....	1773
Prepared statement.....	1778
Herrett, Steven J., handgun hunter.....	1821
Prepared statement.....	1834
Krogman, John G., Regional Director, Bureau of Alcohol, Tobacco, and Firearms, Western Region, Department of the Treasury.....	1703
Prepared statement.....	1719
Jackson, Leon C., president, American Society of Arms Collectors.....	1848
Prepared statement.....	1855
Lachuk, John, handgun hunter.....	1821
Prepared statement.....	1834
Lavachek, Deane, legislative representative, North Dakota State Rifle and Pistol Association.....	1751
Prepared statement.....	1762
Leonard, Harmon C., veterinarian, Cheshire, Conn.....	1848
Prepared statement.....	1857
Lewis, Warren T., dealer in antique arms and western art, Evergreen, Colo.....	1848
Prepared statement.....	1860
Milek, Robert M., handgun hunter.....	1821
Prepared statement.....	1830
Perry, J. Lawrence, Oregon State Rifle & Pistol Association.....	1751
Prepared statement.....	1767
Peterson, Mary L., president, Arizona State Rifle & Pistol Association.....	1751
Prepared statement.....	1754
Pope, Richard J., president, Colorado State Rifle & Pistol Association.....	1751
Prepared statement.....	1768
Sadowski, Frederick A., New York City Police Department, retired.....	1846
Prepared statement.....	1847
Shaughnessy, Robert, Denver Police Department.....	1693
Sullivan, James B., board member, National Council for a Responsible Firearms Policy, North Dakota.....	1773
Turner, Orville J., Assistant Regional Director, Criminal Enforcement, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury.....	1703
Prepared statement.....	1724
Weller, Charles D., director, Denver Anticrime Council.....	1679
Prepared statement.....	1683
Woestendiek, William J., editor and publisher of the Colorado Springs Sun, Colorado Springs, Colo.....	1839
Prepared statement.....	1842



# IV

Additional material—	Page
"Battlefield America," editorial, Los Angeles Times.....	1793
Coalition for Handgun Control.....	1782
McNichols, W. H., Jr., mayor of Denver, letter dated June 23, 1975, to Hon. John Conyers, Jr. ....	1679
North Dakota Rifle and Pistol Association, statement.....	1763
"Offenses Relating to Firearms and Weapons," Denver, Colo., ordinance.....	1701
Report on Firearms Control to the U.S. House of Representatives, Judiciary Subcommittee on Crime, Hon. John Conyers, Jr., chair- man, Denver, Colo. hearings, June 23-24, 1975.....	1794
"The Handgun Issue," editorial, Los Angeles Times.....	1792
"The Gun Crisis," editorial, the Sacramento Bee.....	1791
"Where Have Gun Laws Reduced Crime," from Rifle magazine, January-February 1975.....	1832

## APPENDIXES

Appendix 1.—Remarks of Colorado State Senator Barbara Holme.....	1863
Appendix 2.—Correspondence.....	1865

## FIREARMS LEGISLATION

---

MONDAY, JUNE 23, 1975

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
SUBCOMMITTEE ON CRIME,  
*Denver, Colo.*

The subcommittee met, pursuant to notice, at 8:30 a.m., at Channel 6. KHRA, 1261 Glenarm Place, Denver, Colo., the Honorable John Conyers [chairman of the subcommittee] presiding.

Present: Representatives Conyers, McClory, and Mann.

Also Present: Maurice A. Barboza, counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. This morning the Subcommittee on Crime of the House Committee on the Judiciary continues its hearings on amendments to the Federal Firearms Laws. So far the subcommittee has held 15 hearings on this subject in Washington, D.C.; Chicago, Ill.; Detroit, Mich.; and Cleveland, Ohio. Each of these cities is intimately tied to the phenomenon of urban gun violence and combined they experienced more than 1400 firearm deaths in 1974.

When this series of gun control hearings began on February 18 in Washington, I indicated that this subcommittee would not only consider the involvement of handguns in the destruction of human life in our major cities but also their legitimate uses by hunters, target shooters and other sportsmen, and I pointed out that the extent to which we determined the firearms law should be strengthened will depend upon our findings with respect to several questions. First, whether firearms, especially handguns, play a significant role in accidental deaths and in the commission of serious felonies. Second, whether the present availability of firearms in the Nation contributes to the use of these weapons in the commission of serious crime. Third, would make it more difficult or costly for an individual to acquire or illegally use a firearm or reduce their availability, reduce the amount of firearms violence. If the answers to these questions suggests the need for stronger firearms laws then we in Congress must decide which of the proposed approaches would achieve the goal of maximizing the reduction of firearms violence and at the same time be both reasonable and responsive to other legitimate, though conceded, less important needs of our citizens.

In order to determine the uses of firearms as sporting weapons and the benefits to society which such a limitation would reach against the

inconvenience it would cause to the legitimate users of firearms. We must ask whether the legitimate uses of firearms for self defense, hunting, sport shooting and collecting would be seriously affected by more stringent gun laws and if so whether such a burden is justifiable. Now, in so doing we should be mindful that this is in essence a life and death decision, that is whether the values placed upon the need protect our fellow citizens and ourselves from death, injury and fear of violence, is greater than the value of the various purposes for which firearms may be used.

In order to determine the uses of firearms as sporting weapons and as collectors items the subcommittee will hear testimony today from rifle and pistol associations of Colorado, Arizona, North Dakota, and Oregon. Among them will be marksmen, hunters, firearms collectors and sportsmen. In addition we will hear testimony from the western and southwestern regional directors of the Bureau of Alcohol, Tobacco, and Firearms, the Denver anticrime council and the representatives from the Denver police department and several citizen groups and Federal Judge George Edwards.

Since the committee commenced its hearings last February the gun control issue has been raised to a national priority level where in my judgment it clearly belongs.

The Senate of the United States conducted hearings on this subject and many State and local governments are considering proposals to curb gun crime. More importantly the President in a recent crime message outlined a number of significant alternatives to reducing firearms violence. He called in his statement for strengthening gun control laws, especially the Gun Control Act of 1968, by plugging some of the loopholes and outlawing the so-called Saturday night special. While the subcommittee's record to date indicates that these proposals may not be enough to thoroughly address this problem, it does show that the administration recognizes the role which handguns are playing in increasing urban violence.

During the next month, with the assistance of my colleagues, I am going to draft and introduce legislation which would address the firearms problems which the subcommittee hearings have revealed. So the witnesses and the testimony that we will gather here at Denver will be extremely important in reaching that stage in our work. I am very happy to recognize at this time the second ranking Republican Member of the Judiciary Committee, an experienced legislator and one who has worked very tirelessly in the area of firearms regulation. I'd like to recognize now the gentleman from Illinois, Mr. Robert McClory.

Mr. McClory. Thank you Mr. Chairman, and I want to express my appreciation at being here in Denver and the very cordial reception we are receiving here, and I think you have been very wise, Mr. Chairman, in scheduling a hearing for Denver, Colorado today. It does give us an opportunity to reach out into the western part of our Nation and to get the consensus of the people there and as far as I can see we have provided a balanced hearing here today with opportunity for a number of leaders in the area of handgun control and those who are sportsmen and who are interested in the use of guns of all types

for law abiding and legitimate purposes, to hear from them and to see what impact if any gun control legislation might have.

I have the strong feeling that this is a wonderful opportunity to join together for those who are gun lovers and gun users, the sportsman and the hunter and to work together with the members of this committee and other interested elements in our Federal Government to get—to close up some loopholes in the existing law and to get meaningful legislation directed at the criminal misuse of, particularly handguns.

Mr. Chairman with your indulgence what I would like to do is make a few comments about the President's recent message on crime in so far as it relates to this subject of handguns. The theme of the message was the restoration of domestic tranquility in contrast to the old law and order theme that we have heard before. Noting that since the first Presidential message on crime in 1965, the incidence of violent crime has increased, the President asserted the terrible truth that America has been far from successful in dealing with the sort of crime that obsesses America day and night; street crimes, crimes that invade our neighborhood, our homes, murder, robbery, rape, muggings, holdups, break-ins, the kind of brutal violence that makes us fearful of strangers and afraid to go out at night. There is little question that the President is correct in his assertion that the American system of law enforcement has been unsuccessful in its attempt to reduce crime in America; violent crime. Indeed the comprehensive hearings of this subcommittee have shown one of the most telling failures has been the area of the control of the handgun, which is the tool of those murderers and robbers who are increasingly plaguing our cities, even the proliferation and the presence of handguns on our high school campuses and within our high schools in a number of the metropolitan areas. In the area of handgun control the President's message, while useful and constructive, in my opinion doesn't go far enough. First while I agree with the President that mandatory sentencing is an appropriate sanction to be imposed on persons convicted of a firearms offense, I must agree with his assertion that such a sanction would be the most effective way to combat the illicit use of handguns by criminals—it's one of the measures and it's one of the subjects that both the chairman and I are supporting, but mandatory sentencing operates only after a handgun has been used and the victim is either dead or injured. It does not serve as a preventive. Moreover, mandatory sentencing must be carefully applied to insure that justice is done according to the particular circumstances of a case. Secondly, I agree there should be a Federal prohibition against the domestic manufacture and assembly of the so-called "Saturday Night Specials." We presently of course prohibit the importation of this weapon and the hunter and the sportsman support that. It is about time that they support a prohibition against the domestic manufacture and sale and the domestic assembly of imported parts of this same weapon. The Treasury Department's Bureau of Alcohol, Tobacco, and Firearms have done a very good job with preventing the importation of this, but in this prohibition I might say is something with which we are very familiar. Also I would like to point out that the President has made some recom-

mendations for improvements as far as the administrative functions of the ATF is concerned and I concur with those. Those are proposals that both the chairman and I have made and we did communicate with the President, and I'm grateful to note that a number of the recommendations that we made, not only in the area of handgun control but in other areas, he followed and seems to be substantially supporting. However, although each of the President's suggestions in the area of handgun control are laudable insofar as they are designed with an important part of the problem they don't go far enough and, therefore, don't seem to be sufficient in connection with a comprehensive gun control program. In dealing with the select portion of the handgun problem the President leaves more significant portions untouched. The ban on the "Saturday Night Special" is important but it leaves untouched the remaining handguns, the reduction of Federal firearms dealers, waiting periods, and a ban on multiple sales are valuable preventative tools but they do nothing to regulate the number of handguns, by conservative estimates, over 40 million already in private hands. Increased enforcement efforts are long overdue, but they are doomed to failure if the flow of handguns, even though they are not "Saturday Night Specials," continues unabated. For one thing we note that, I think that about 30 or 35 percent of the handguns that are used in connection with crime are purchased from pawnshops, unbelievable, unthinkable that we would permit the dealing in handguns by pawnshops where such a high percentage are used in connection with crime.

Finally the concentration of an enforcement effort into the 10 largest metropolitan areas may be misdirected since the bulk of illegal handgun traffic begins in the rural areas of the Southeast. That's a revelation which comes as a surprise to many I know.

Mr. Chairman, I can only express my disappointment and surprise at the President's continued expression of his unalterable opposition to the registration of handguns. In the first place under current Federal law there are basically two registration systems already in effect. The first part of the law enacted in the 1930's, requires the registration of owners of gangster-type weapons such as sawed-off shotguns, machineguns, and the like. Most of the owners of these weapons, they are not desperados, they are law abiding citizens who collect such weapons as a hobby and who feel little interference by the requirement of a registration. The second registration system, although in a somewhat modified form, is part of the present gun control act of 1968 which requires first of all the registration of all firearms with the manufacturer. The manufacturer must maintain complete and permanent records of all firearms manufactured and sold by him. Furthermore, the dealer, the federally licensed dealer, must maintain as a permanent record the serial number and name of the purchaser of every firearm. Registration, complete registration, nationwide, but proliferated in the hands of 156,000 dealers. Well, the problem is of course when a handgun is used in connection with a crime and the police pull it out of the lagoon or out of the bushes or something like that, and they inquire of the Division of Alcohol, Tobacco, and Firearms where is that firearm, what do they have to do, they have to call the manufacturer and ask who purchased that

firearm, a dealer in Denver, Colo., or a dealer in Baltimore or someplace like that and then call a dealer, call the dealer, and he has got the permanent record. He is required by law to keep it, it is registered with the dealer; 156,000 different places. It seems to me that every handgun owner, any gun lover ought to support some kind of a registration or identification system so that when a crime is committed the police can find who the last legitimate owner of that gun was in a matter of minutes, not a matter of weeks. We want to get at the crime, we have got to be able to identify the owners of the weapons used in connection with crime. Is there any law abiding citizen who doesn't want that kind of a program? I'd like him——

Unidentified Voice. Yes.

Mr. McCLORY. Well, I hear a yes, I judge that there is opposition even to the effort that we are trying to make against apprehending the criminal's misuse of guns. I might say that the ATF did make a survey to determine whether or not this was a useful system, this identification and I believe they found, maybe they will elaborate on this, but I think about 60 percent of the cases they found, the law enforcement officials found that it was useful information in connection with apprehending the criminal, and I think that 35 or 40 percent it was used in connection with the conviction of the criminal. Imagine that, and we would be frustrated in trying to improve on that. Well I might say that since the President also didn't seem to read the Gallup poll which indicated that the 60 or 67 percent of the American people favor registration of firearms, well this is something that we will hear from testimony about. I went a little bit beyond my time, Mr. Chairman, because I do have an intense interest in this part of it. I might conclude by saying that generally the President took some very positive and constructive steps, not only in the area of handgun control but in regard to other subjects in trying to help reduce crime in America. I am hopeful that we can work together with the White House and with the Attorney General in trying to develop a reasonable and a rational approach to this entire subject. Thank you, Mr. Chairman.

Mr. CONYERS. I appreciate your remarks on the subject, especially in view of the remarks you made in connection with the President's statement which was somewhat disconcertingly received by those who were hoping he would go beyond the limits he outlined. As you indicate, Congressman McClory, hope does spring eternal in the breasts of legislators. I am hoping to cooperate with the administration and I think that our work here may yet impact upon the administration's view as you have so cogently pointed out. I would now like to recognize the distinguished member from Greenville, S.C., who is a member of this committee, the Honorable James Robert Mann, who besides being an outstanding legislator served on the House Select Committee on Crime when it was chaired by Claude Pepper of Florida. In addition to that he has been a prosecuting attorney, a State representative and he has a wide range of experience on this subject which is of great usefulness to this subcommittee. I yield to him at this point for any observations he may have.

Mr. MANN. Thank you, Mr. Chairman. Knowing the constraints of the time, I will not render a few thousand words. I was interested in

Mr. McClory's reference to the rural areas of the Southeast and those of you who are students of the problem Greenville, S.C., will mean something. It is probably, and has been over the past 4 or 5 years, the center of the illegal gun traffic in the United States. Being the first State going down the interstates, I-85 in particular from New York, it has weak gun laws; it has had virtually no control over the sale of the weapons which have been sold in very large numbers, and it has improved the economy of my area. Now the Federal Government—you know, our Presidential incumbents as well as candidates have dealt with the issue of crime and law enforcement for a good many years. We can remember in the year 1968 both candidates had the solution. We have not dealt with the problem, and the reason for that is that the problem of law and crime and law enforcement is essentially a State and local problem, but here we recognize a problem that has interstate implications, a problem where local jurisdiction of the States, because of the problem that exists arising from Greenville, S.C., let's say, requires us to take a national look. Now the Congress is not going to be guilty of instant solutions—never has been and hopefully never will be. A very unhappy example of that is the loophole in the 1968 gun law, while we are looking at it in 1975 when it was apparent in 1969 that, when it was also somewhat conceded I think by all segments, that loophole should be closed, but here lies the strength of our system. This committee is in Denver seeking to determine a national consensus, seeking to absorb the philosophy and to learn the problems of this area, and so I for one want to pay tribute to our chairman for his scheduling of this meeting and for his scheduling of meetings and hearings throughout this country and for the deliberate and thorough approach we are taking to this problem. The subcommittee in my judgment will, contrary to some efforts in the past, arrive at some form of legislation before the end of this year and will present it to the House of Representatives, and we will see what happens. The fact that it needs attention is undisputed. The solutions and the directions are diverse as will be demonstrated today by the diversity of the views, but it is just that type of input and that thinking of input that makes our congressional system in spite of the demand from the press and others for instant solutions, that makes our system strong. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much for your thoughtful observations. I would like to begin our hearings today by calling the executive director of the Denver Anticrime Council, Charles D. Weller, to the witness stand. Mr. Weller heads the Denver Anticrime Council which is an organization that I understand receives support from the LEAA. We have your detailed and very thorough statement, Mr. Weller.

We welcome you before this subcommittee and we will begin by incorporating your statement into the record in full. We will do that for all of the witnesses here in Denver and that will allow us to get directly to the main points that you might wish to emphasize and provide more time for us to interrogate you. We are, as you know, on a very tight schedule, so welcome and you may proceed in your own way.



## TESTIMONY OF DENNIS WELLER, DIRECTOR, DENVER ANTICRIME COUNCIL

Mr. WELLER. Thank you, Mr. Chairman. At the outset this morning I received a letter from the mayor explaining his absence, and with your permission I would like to briefly read that letter.

Mr. CONYERS. Please do, we are sorry the mayor could not be with us.

Mr. WELLER. It is addressed to the Honorable John Conyers, Jr., Chairman, Subcommittee on Crime, House Committee on the Judiciary, Denver, Colo.

[The letter referred to follows:]

CITY COUNTY OF DENVER,  
Denver, Col., June 23, 1975.

HON. JOHN CONYERS, Jr.  
*Chairman, Subcommittee on Crime,  
House Committee on the Judiciary,  
Denver, Colo.*

DEAR MR. CHAIRMAN: I wish to extend my welcome to Denver to you and your Subcommittee hearing testimony concerning the possible amending of existing Federal firearm laws.

With more than 50 bills to consider, you have a monumental task facing you and I wish you well in your deliberations.

Because of my very tight schedule, and the lateness of the notice which I received only Friday last, it is impossible for me to be with you today. However, I am pleased you are in Denver.

Mr. C. D. Weller, who heads our Anti Crime Council, and Captain Robert Shaughnessy of the Denver Police Department, will give you all of our data concerning the use of firearms in this city and existing laws concerning them. Any cooperation we can give you we will be pleased to extend.

Best wishes.

Sincerely,

W. H. McNICHOLS, Jr.,  
*Mayor.*

Mr. WELLER. At the outset, I, too, would welcome you to the city of Denver and thank you for an opportunity to make a statement to the subcommittee. I'd like to read a very brief introductory statement and then highlight some of the statistics that the Denver Anticrime Staff has accumulated regarding the crimes of homicide, aggravated assault, and robbery. Some of the data extends as far back as 1970. The following data, sampled and summarized, reveals specific characteristics of the crimes of homicide, aggravated assault and robbery as reported to the Denver Police Department during the past 4½ years were prepared by the Staff of the Denver Anticrime Council for criminal justice planning purposes. It was not assembled to advocate nor to oppose gun control legislation. However, crime specifics and analysis have the inherent capacity to highlight the relationship between handguns and crime. Furthermore, detailed information about the victim, the offender, and the setting of the crime forces the observer to analyze the major role handguns play in personal crimes of violence. Similarly, this type of detailed analysis logically raises certain questions about crime and victim injuries which suggest that the absence of available handguns would significantly reduce homicide offenses, lessen the degree of injury in aggravated assault cases, and very probably reduce the robbery suspect's threatening power to the point that victims would cause more robberies

to be aborted in process and ultimately be reported to the police as only attempted robberies.

The data reported about homicides within the city and county of Denver, Colo., are probably typical of most medium-sized cities in the United States. We know that 70 percent of our homicides are the result of gunshot wounds, and 84 percent of these fatalities come from handguns. Long-barreled guns are not a significant instrument of death in the total number of criminal homicides. We know that over two-thirds of the homicides occur between family members, relatives, or friends. We also know that both the victim and the suspect were drinking alcoholic beverages immediately prior to the homicide. With detailed information about two-thirds of the victims over a 2-year period, we found 52 of 65 victims involved with drugs or alcohol. Out of 52 cases where detailed suspect information was available during the time. Thirty-one homicide offenders were also involved with drugs or alcohol. The easy access of a handgun to family, relatives, and friends who are drinking intoxicating beverages at a time when a personal dispute arises, most certainly has a bearing on the potentiality for a homicide occurring. Usually, the homicide victim is confronted by the suspect within a residential dwelling, which allows the crime to escape prevention or suppression activities of the police department.

The crime of aggravated assault only differs to the degree that the homicide victim dies. The crime occurs between the victims and the suspects with similar characteristics as those involved with homicide. The active role of alcohol and/or drugs is usually present, but the use of handguns by the suspect is third in order of frequency behind beatings and stabbings. However, the total number of aggravated assaults in the city is 20 times greater than the number of homicides, so even a 15-percent gun-related aggravated rate is a major number of personal victim gunshot injuries.

In 1974, Denver suffered four times the number of robberies reported in 1966. The city's population growth during the same period has been so small, it alone cannot account for such a 400 percent increase in robberies. As of June 1, 1975, Denver is shouldering a 40 percent increase in robberies from the 1975 year to date. More often than not, the robbery victim is faced by more than one suspect and at least one suspect is typically armed with a handgun. In two-thirds of the incidents the offender is armed with a weapon, and in 40 percent of these cases the weapon is a handgun. Now the following pages which I have submitted as a written statement develop a statistical profile of homicide, aggravated assault, and robberies within the city and county of Denver, and I must acknowledge that the data was collected for purposes other than gun control hearings or even the study of gun control in relationship to crime. We developed it primarily for criminal justice planning purposes. There were two different data banks for comparative analysis that were attempted in here. One is a 2-year period from 1970 to—the middle of 1970 to the middle of 1972 and then we reinstituted our data collection process to pick up from the middle of 1972 to the end of 1974. Each of these crime summaries portrays the characteristics of the victim, the offender, and the setting in which the crime occurred in some

detail which allows us to get after the role that guns play in the crime problem. All of the data contained was provided to the Denver Anti-crime Commission by the Denver Police Department. When this information is reviewed for the purpose of determining the role of guns and personal crimes of violence it becomes readily apparent that the manufacture, the transportation, the sale, the possession, restrictions on handguns deserves the full attention obviously of your committee and the American public and most certainly all of our elected officials. With your permission I would like to highlight some of the raw data in each of these crimes.

Mr. CONYERS. I have looked over that material. I think we perhaps would better serve our time if we attacked you in a nonviolent fashion with questions at this point.

Mr. WELLER. Very good, sir.

Mr. CONYERS. The first thing on my mind Mr. Weller, and I appreciate your summary, is whether or not Denver is any different in terms of the trends that we have experienced in the other major cities that we visited. In other words, is there a different situation here in Denver by virtue of its location and the nature of life in Colorado or are there similar trends in terms of handguns used in crime and in the accidents they cause which makes it comparable to the Nation as a whole?

Mr. WELLER. I have no knowledge that would lead me to believe that the city and county of Denver is any different than the other medium-sized urban areas that you may have visited or obtained information about in terms of the presence of handguns. It is my belief that a good number of handguns in the community are local. I don't have any definitive data, I assume the ATF does about the trafficking of handguns. I do know that the presence of handguns is a very significant factor and the will and desire to possess same is probably stronger here than maybe in other places and that obviously the use of the long-barrel gun is a common and frequent case in hunting country. The State of Colorado obviously has a great deal of outdoor sportsmanship activities with the use of the firearms but our city is not like the other cities across the country in terms of the presence of handguns.

Mr. CONYERS. What recommendation would you make to this committee with regard to the identification of weapons owners in the community and on a nationwide basis as well? The question that is revolving very strongly among many of us wrestling with this question is how do we go about finding out where the weapons are in the Nation and whether a registration or identification plan should apply to everybody without regard to whether he owns a long gun or a handgun?

Mr. WELLER. Sir, we have in 1975, I believe, amended a city ordinance in the city and county of Denver that does require the licensed dealers in the city to report the sale with the identity of the purchaser in some detail to the manager of safety's office which is comparable to director of public safety in most cities as sales and purchases are conducted. Prior to that time it is my understanding that the city and the police department had a voluntary arrangement of registering citizen firearms at the police building and that the police

department found that very effective in helping them investigate crime, trace stolen weapons, and also return stolen property. Captain Shaughnessy may very well be able to discuss that in more detail. I think that there is a definite need for some systematic, universal, uniform identification process that allows us to determine the presence of the handgun in our community.

Mr. CONYERS. Thank you, Mr. Weller. I would like to turn the questioning over now to Mr. McClory.

Mr. McCLORY. I want to thank you Mr. Chairman, and I want to commend you first of all Mr. Weller on your testimony. It is very useful, and I think it is interesting that the data was prepared not with respect to these hearings but just for informational purposes, a searching for answers as to what to do about the steady increase in crime, particularly the increase in crime involving the use of the handgun. I notice in the city ordinances that there is a prohibition in the city ordinance against the sale of the Saturday night special, I mean they have taken a definition which is contained in Representative John Dingell's bill which I believe coincides pretty much with the regulation issued by ATF which enables them to prohibit the importation of these Saturday nights specials. Now what—do you have any data, is there any experience as to the trafficking in that kind of gun notwithstanding the city ordinance?

Mr. WELLER. Sir, I can't recall the exact date that this ordinance was passed but I do not know of any information as to the impact as yet, and I can tell you that I believe that it is less than 6 months old.

Mr. McCLORY. Really you seem to be or we seem to be taking—you all in Denver, Colo. seem to be taking steps right now which more or less parallel the subjects that we are discussing here today and that which we were contemplating as a sort of Federal guideline or Federal direction with regard to this subject and you mentioned this innovative program of requiring the dealers and I assume—well all firearms dealers have to be federally licensed but the city ordinance now requires that the dealers communicate the information they have, the registration of the purchaser or the identification of the purchase whatever you want to call it, I think we get hung up on the word registration sometimes and what we are really trying to do is identify who the owner of the gun is in the event a crime is committed but that's a recent origin?

Mr. WELLER. Yes, sir, I think that was the same amendment to the city ordinance that involved the cheaper handgun provision. I don't know—again Captain Shaughnessy may be able to relate some experiences of the impact of that part of the ordinance. I do know about the volunteer program and I guess traditionally the requirement that the federally licensed dealer maintains some kind of an open record has been effectively used by the police department in the investigation of crime. I assume that that's almost a routine source of information.

Mr. McCLORY. That information when it is communicated to the police department is communicated on a confidential or private basis?

Mr. WELLER. That's right, sir.

Mr. McCLODY. So it is there for the purpose of law enforcement and not for publicizing the name of a person who—possibly making him a victim of a crime that—where the person wants to steal a fire-arm knowing where it is because of the registration?

Mr. WELLER. That's correct.

Mr. McCLODY. It is kept privately and confidential by the police department for purposes of law enforcement?

Mr. WELLER. Since a passage of the ordinance on this against Congressmen I personally don't recall any matter in the press which was related in any way to these records. That is a personal observation.

Mr. McCLODY. I think that is all of the questions I have at this time. Thank you Mr. Chairman.

[Statement of Charles D. Weller, director, Denver Anticrime Council follows:]

#### STATEMENT OF CHARLES D. WELLER, DIRECTOR, DENVER ANTI-CRIME COUNCIL

Thank you for the opportunity to make a presentation to the Subcommittee. I am Director of the Denver Anti-Crime Council, one of the eight cities funded for a High Impact Anti-Crime Program by the Law Enforcement Assistance Administration.

#### INTRODUCTION

The following data sampled and summarized, reveals specific characteristics of the crimes of Homicide, Aggravated Assault and Robbery as reported to the Denver Police Department during the past four and one-half years were prepared by the staff of the Denver Anti-Crime Council, for criminal justice planning purposes. It was not assembled to advocate nor to oppose gun control legislation. However, crime specific planning and analysis have the inherent capacity to highlight the relationship between handguns and crime. Furthermore, detailed information about the victim, the offender and the setting of the crime forces the observer to analyze the major role handguns play in personal crimes of violence. Similarly, this type of detailed analysis logically raises certain questions about crime and victim injuries which suggest that the absence of available handguns would significantly reduce homicide offenses, lessen the degree of injury in aggravated assault cases, and very probably, reduce the robbery suspect's threatening power to the point that victims would cause more robberies to be aborted in process and ultimately be reported to the police as only attempted robberies.

The data reported about homicides within the City and County of Denver, Colorado are probably typical of most medium size cities in the United States. We know that 70% of our homicides are the result of gunshot wounds, and 84% of these fatalities come from handguns. Long-barreled guns are not a significant instrument of death in the total number of criminal homicides. We know that over two-thirds of the homicides occur between family members, relatives or friends. We also know that both the victim and the suspect were drinking alcoholic beverages immediately prior to the homicide. With detailed information about two-thirds of the victims over a two-year period, we found 52 of 65 victims involved with drugs or alcohol.

Out of 52 cases where detailed suspect information was available during the time period, 31 homicide offenders were also involved with drugs or alcohol. The easy access of a handgun to family, relatives and friends who are drinking intoxicating beverages at a time when a personal dispute arises, most certainly has a bearing on the potentiality for a homicide occurring. Usually, the homicide victim is confronted by the suspect within a residential dwelling, which allows the crime to escape prevention or suppression activities of the police department.

The crime of aggravated assault only differs to the degree that the homicide victim dies. The crime occurs between victims and suspects with similar characteristics as those involved with homicide. The active role of alcohol and/or drugs is usually present, but the use of handguns by the suspect is third in

order of frequency behind beatings and stabbings. However, the total number of aggravated assaults in the city is twenty times greater than the number of homicides, so even a 15% gun related aggravated assault rate is a major number of personal victim gunshot injuries.

In 1974, Denver suffered four times the number of robberies reported in 1968. The city's population growth during the same period has been so small, it alone cannot account for such a 400% increase in robberies. As of June 1, 1975, Denver is shouldering a 40% increase in robberies for the 1975 year to date. More often than not, the robbery victim is faced by more than one suspect and at least one suspect is typically armed with a handgun. In two-thirds of the incidents, the offender is armed with a weapon and in 40% of these cases, the weapon is a handgun.

The following pages statistically describe each of the crimes of Homicide, Aggravated Assault and Robbery within the City and County of Denver, using a two-year data base from mid-1970 to mid-1972 and supplemented by a mid-1972 to December, 1974 data base. Each crime summary portrays characteristics of the victim, the offender, and the setting in which the crime occurred. All the data presented and analyzed were made available to the Denver Anti-Crime Council by the Denver Police Department. When this information is reviewed for the purpose of determining the role of guns in personal crimes of violence, it becomes readily apparent that manufacturing, transportation, sale and possession restrictions deserve the full attention and study of the American public and its elected representatives.

#### HOMICIDE SUMMARY

Following a steady increase in Homicides since 1967, a 9.4% (9) decrease in incidents was reported between 1973 and 1974. The decrease represents the first decrease in the steadily increasing Homicide frequencies in eight years. Changes in the trend line represent a slight decrease in the upward trend. Nationally, in cities with population over 500,000 a 4% increase over 1973 was reported for 1974 as indicated by the 1974 Uniform Crime Reports. The percentage increase represents a continued upward trend nationally, unbroken by decrease since 1968.

From a sample of all homicides occurring in 1971 and 1972 a summary profile of the offense, victim, suspect and criminal justice system data can be presented. Generally, the cause of death as described by the sample (n=139) was by shooting and involved the use of a small caliber hand gun. In approximately, 45% of the cases a small caliber hand gun was identified as the weapon used. The location of the fatal wounds was typically in the chest (38%) or head/face/neck areas (37.4%) with relatively few wounds to the back and abdomen occurring. Slightly more than 50% of the cases took place within some residence, usually within the victim's home. Slightly more than 40% occurred outside on the street (or alley), in a yard (or park), or in an open lot area. Only 13% took place in or outside of a tavern or bar. Analysis of the time of day, day of week and month of year shows that the late afternoon and night hours (between 3 p.m. and 2 a.m.) are generally those when the probability of a homicide taking place is higher. During the period from 3 p.m. to 8 p.m. the frequencies increase steadily to their highest point and then decrease to their lowest point at 9 a.m. The period around 2 a.m. shows a sudden increase before decreasing steadily until 9 a.m. Absolute frequencies for the day of week analysis are shown to increase steadily from Sunday to the highest point on Saturday. Of considerable interest is the sudden marked jump observed on Tuesday. Following the sudden increase, the frequency decreases on Wednesday to approximately the general linear increase. Finally, the month of year data show a general decrease (demonstrated by fluctuations) from January to July. However, a marked increase occurs between July and October which is the highest point. November shows a considerable decrease as compared to October, which is followed by a sudden increase to December. In summary, the last six months of the year can be characterized by a general increase with the exception of the November decrease.

Looking at the demographic characteristics of the victims, in profile they are male, Spanish Surname or Anglo, single and between the ages of 20 and 29 years. The ethnic group distribution shows approximately equal proportions for Anglos, Blacks and Spanish Surnames. Also, the proportion of married victims is nearly equal to that of the single victims. Nearly three-quarters of the vic-



tims had used alcohol prior to the incident, two-thirds of these victims were intoxicated. In slightly more than 75% of the cases the victim was in the company of at least one other individual. In 36% of the cases the victims were in the company of the suspect. The data indicate that generally there is an inverse relationship between the number of companions and the chances of being murdered. Finally, the homicide was precipitated by the victim slightly more frequently than it was not. Precipitation usually involved physical or verbal confrontations of either short or long duration.

The suspects, on the other hand, were most often male, Black, between the ages of 20 and 29 years, and single. Spanish Surname suspects were identified almost as frequently as Black suspects. Coincidentally, as with the victims, married suspects proportionally were caught almost as frequently as single suspects. Data were not available showing the suspect's use of alcohol or drugs prior to the incident.

In nearly half the cases, the victim and suspect were either well known or related to one another (this includes blood relatives and spouses). Of these acquainted participants in the homicide the largest proportion (39%) was related by marriage. An additional 15% of the victims and suspects were casually known to each other. In slightly more than one third of the cases the two were strangers. Data showing victim/suspect activity prior to the homicide indicate that they were not usually interacting. However, in 47% of the cases, the two were involved in some behavior together, in some type of social, work or dyadic situation. The data do show that in more than half the homicides there were differences of opinions, arguments or threats between the victim and suspect which usually (58.8%) had taken place during a period no longer than two hours prior to the victim's being killed. In the remaining cases where arguments had occurred they had taken place with 24 hours or more prior to the incident. Underlying the slaying in most cases (43.2%) was some type of quarrel either familial or between friends or acquaintances. In 13.7% of the cases death occurred in conjunction with the commission of another crime, while in 9.4% the act was reported as being self-defense.

The Law Enforcement System variables indicate that the homicide was discovered most frequently (50%) through an eye witness to the incident and through finding of the victim (17.3%). In the remaining cases someone heard the homicide take place or was alerted by the victim's outcry or general disturbance resulting from the incident. The first person to make the police aware of the incident was an uninvolved eye witness (33.8%), the victim's friend or relative (20.1%), or another person rendering aid such as a hospital staff member (13.7%). In slightly more than 10% of the cases the homicide was reported by a police officer.

In most cases where an arrest was made, the arrestee was an adult (63.4%). In relatively few cases were juveniles arrested for the homicide. Police dispositional information shows that 66.2% of the cases were cleared by arrest, 18.7% were cleared by exception, and 15.1% were still open (inactive). Clearly a very high proportion of homicide cases are cleared from the police blotter. Arrest in such cases tends to occur quickly with only 17.3% cases being cleared by arrest after a period greater than five days. Nearly half of the arrests were made within 24 hours after the homicide was reported to the police. The police dispositions of the case primarily were dictated by two reasons (excluding those cases where a suspect has already been arrested: lack of new information in the case (13.7%) and the refusal of the D.A. to prosecute the case (12.9%). One-third of the cases resulted in a change of charge. Whereas most cases were originally reported as first degree homicide (91.4%) this proportion decreased with a greater number of justifiable homicide charges occurring. Additionally, approximately 19% of the homicides were reduced to voluntary and involuntary manslaughter.

In the identification of the offender, the police relied primarily on the self-confessions of the suspect or the assistance of the victim, witness or informer. Using the information of the self-confession or informant, approximately two-thirds of the offender identifications necessary for the arrest took place. In only 16.5% of the cases was the police investigation the source of evidence, leading to the identification of a suspect and subsequent arrest. In those cases where police investigations were the source of identification, the mug shot was the single most important tool available to the detective. Other forms of investigatory tools, including finger prints and lineups, were not as productive in leading to the identification and subsequent arrest of an offender.



The 1970-1972 data showing type of weapon used, indicate that almost 72% of the homicides were related to some type of gun use. However, the 1973-1974 data show a decrease (to 65.7%) in the frequency of use of guns of all types. Concomitantly, while the use of an automobile comprised a small proportion of the weapons or tools used in 1970, the proportion increased greatly (16.8%) in the 1973-1974 data. Changes to the victim population also occurred as indicated by the 1973-1974 data. The mean age for the 1970 population was approximately 29 years while in the 1974 population it had increased slightly to 32; the proportion of males decreased slightly, and the proportion of Anglo victims increased greatly, with concomitant decrease in the proportion of Spanish American victims. The decrease in Black victims was not as marked. Of particular importance in the changes over the two-year interim is the change in location of the homicides. In 1974 the largest proportion (49.3%) took place on the street, roadway or in an alley and only 31.1% took place within a residence. This represents a marked change from the residence, in which 50.4% of the incidents occurred in 1970. Clearly the homicide has moved from the victim or suspect's home into the street.

Data showing the distribution of secondary charges in the 1970 population were not available. In the 1974 data, however, such data were available. In 55% no secondary charge was brought by the police. However, in 7.1% and 6.5% of the cases, charges of robbery and aggravated assault respectively were brought. In small proportions (ranging between 1.1% and 2.2%) charges were brought in rape, burglary and narcotics. It would appear, then, that the addition of another charge is not the usual procedure with homicide.

Representative of the case processing of homicide cases are the 1974 data collected for all homicide offenses reported. The data indicate approximately 65% (51) of the cases were cleared by arrest, a proportion reflected (approximately) in the 1970 homicide data for all founded cases. For the 86 homicides, 84 adult and one juvenile arrests were made. Persons filed on by the investigator totaled 42, 92.9% of whom were filed on in the District Court. In three cases (7.1%) the D.A. refused to prosecute.

Observing the six-month sample data for District Court dispositions for a six-month period in 1972, 27 were adjudicated for homicide. Of these 19% (5) resulted in acquittal or a verdict of insanity, with a similar proportion pending. Of significance is the fact that none of the cases resulted in convictions for the original charge; 20% (7) resulted in convictions for lesser felony charges and 15% (4) of the offenders were convicted for a misdemeanor. Four cases (15%) were dismissed by the court and the remaining two were given deferred judgment and sentencing.

Of significance as stated previously is the fact that no convictions were made for the original charge and only 26% (7) were convicted for a lesser felony.

Homicide arrest data by census tract were recorded for those tracts in which there was one or more homicides reported during 1974. Generally, the most dense concentration of homicides was in the north and south Capitol Hill area. However, the incidents were somewhat homogeneously distributed through the Northeast, Northwest and Southwest quadrants of the city. The homicides are more scattered in the Southeast area of the city; in this area the homicides were more prevalent along the southern boundary line. Theoretically, it can be posited that the homicides occur in the less wealthy areas, or in those areas in which there are more minority residents. Of considerable interest is the fact that while the homicides tend to predominate in those areas characterized by higher minority populations, the 1974 data do show that Anglo victims comprise nearly 50% of the population. Adult arrest distributions were compared to determine general fit with the census tracts in which the events occurred. Generally, in the northern quadrants of the city, the correlation between area of incident and area of adult arrest is quite high. This appears less true in the southern quadrants, particularly in the southeastern area. In summary, it must be stated that the area of the event and the area of arrest are generally the same for adult arrestees. Juvenile arrests were omitted because of the small proportion (15%) of juvenile arrests for homicide.

Finally, looking at the relationship between homicide arrests and arresting officer, it is clear the largest proportion of arrests for both adults (62.6%) and juveniles (73.3%) is made by the uniformed officer as opposed to the central investigatory staff or some special police staff such as SCAT or the vice squad. For both adults and juveniles the next largest proportion of arrests were made by the central investigatory staff.

## AGGRAVATED ASSAULT SUMMARY

The aggravated assault data reported in this summary, like the homicide data, reflect several data sources, some of which cover different time periods and which may contain some unfounded cases. In the 1970-72 aggravated assault sample, 505 founded cases were reported. In this sample almost 70% of the charges were for assault with a deadly weapon, while 27% were attempted assaults with a deadly weapon. The locations of these incidents were either on a street, sidewalk, or highway (42.6%) or in a residence, either the victim's or suspect's generally (35.6%). Primarily the cause of injury was by beating (29.1%) or stabbing (23.4%). Only 15% of the assaults were reported to have involved a gun of some type. Where a gun was used, the caliber of the gun was not identified in most cases. However, where the caliber of the gun was known the small caliber handgun was used about twice as often in the assault as a large caliber handgun. In approximately 31% of the incidents no injury was sustained by the victim. Location of the injuries usually was about the head, face or neck (31.9%) or on the appendages (17.4%). Clearly, the head, face or neck areas are the most vulnerable in the assault, with the upper part of the body sustaining more than 55% of the injuries in cases where the victim was injured.

The time of week data show that Monday through Thursday have lower frequencies of occurrence; Thursday marks the beginning of the increase which continues into Saturday. Sunday marks the beginning of the decline. During the first four months of the year there is a general increase in the assault frequency. After April, however, the fluctuations appear random and quite extreme. July and September have the lowest scores with August and November showing the highest frequencies.

The average victim could be characterized as male, between the ages of 19 and 20 years, Anglo and unmarried. Although the modal age group was 19 or 29 years, 60% of the sample were 29 years of age or younger. Only 16% of the sample were over 40 years of age. Anglos were victimized considerably more often (41.4%) than Blacks (29.3%) or Chicanos (24.4%). Similarly there was a larger proportion of single (48.7%) as opposed to married (32.2%) victims. Little information was available indicating the alcohol or drug use of the victim prior to the offense. The data indicate that most assault victims were in the company of at least one person prior to the incident, however, the number of companions prior to the assault is inversely related to the chance of being victimized. This holds true for that situation where the suspect is one of the victim's companions prior to the assault taking place. The activities of the victim prior to the assault were usually routine activities around the house (38%), social activities (20%) or traveling around on foot (17%). Only 1% of the victims were identified as being involved in criminal activities prior to the assault.

Data were not available describing the victim's prior assaultive or argumentative behavior. However, the data do show that in only one-fifth of the cases did the victim intentionally act in a manner bringing about the attack. In an additional third of the cases the attacks were unintentionally generated by the victim's behavior or statements. In about 7% of the cases the assault was made on a police officer while performing in the line of duty. Two-thirds of the assaults resulted in injury to the victim. The largest proportion of victims (31.9%) were treated and released immediately. Hospitalization for a period of less than three days to more than one month was necessary for 15% of the cases. In summary, it can be said that injury to the victim was usually not serious enough to warrant extensive medical treatment or extended hospitalization.

In profile, the suspect was male, Black, between the ages of 19 and 29, and single. Of the suspect sample, only 25% were Anglo, indicating the degree of overrepresentation of the minority population as compared to the Denver census data. It is interesting to note that whereas the suspect population is composed primarily of minority group members, the victim is usually Anglo. As with the victim population, the suspect population is primarily a young one with the modal range between 19 and 29 years of age. Approximately 20% of the suspects were younger than 18 years of age at the time of the assault. Generally, only the victim sustained injury in the assault. However, in 6.7% of the incidents the suspect was also injured, which usually was only minor in nature. Of importance is the fact that five suspects (1%) did die as a result of the

wounds inflicted. Cause of injury or death to the suspects involved either a beating (3.6%) or a shooting (2.6%).

In nearly two-thirds of the assaults the victim and suspect were at least casually known to each other. In slightly more than 28% of the cases the victim and suspect were strangers to each other. In less than half the incidents, the participants had been interacting before the assault took place. Where interaction did take place it was usually dyadic and did not involve a group setting. Data were unavailable showing the history of previous arguments or threats between the victim and suspect. However, information showing the motives underlying the assaults does indicate that grudges/ill feelings (21%), social altercations (15%), and family quarrels (10.5%) were reported most frequently. It would appear that the largest single reported motive involved an altercation which was grounded in some standing difference of opinion, animosity, or difficulty which had some duration or history.

Discovery of the assault usually was made by an eye witness which took place in nearly half the cases, or through the actions of the victim (outcry or self-reporting). In about 18% of the cases the police witnessed the assault directly. In general, the victim was the first person to make the police aware of the assault. Also of assistance in informing the police were the victim's friends or relatives. Reporting of the incident took place within the first hour in a majority of cases. Nearly 72% of the cases were reported either immediately or within one hour after the incident. Slightly less than half the cases were not cleared by arrest. However, in those cases where an arrest was made, it usually took place immediately or within two hours after the offense. Only a small proportion (15%) of the arrests took place during a period longer than four days. In all but a small proportion of cases (11%) where arrests took place, adults were the only arrestees; juveniles were usually not arrested in this sample of assaults.

In 42% of the cases there was either no suspect or no arrest was made. For the remaining cases, 38% of the suspects were hooked into City Jail while 10.7% were ordered in. The District Attorney filed on 28% of the cases, most of which only involved one suspect. In 23% of the cases the suspect was released and not charged with assault while approximately 6% of the arrestees were released to the juvenile authorities. The police dispositions of the cases show that 46% were exceptionally cleared, 23.2% were inactive and not cleared, while 23.6% and 5.8% of the cases were cleared by the arrest of an adult and juvenile, respectively. The reasons for the dispositions were many. However, they generally revolved around the victim's refusal to prosecute (41%), arrest of the suspect (29.3%), the lack of new information (16.2%), and the District Attorney's refusal to prosecute (5.9%). No change in charge took place in nearly half the cases. Where changes did occur, the subsequent charges were usually disturbance (19.8%), assault to murder (15.2%), simple assault (6.7%), plus a wide variety of other charges ranging from the Impact offenses to prostitution. In approximately 1.2% of the cases the charges were changed to another Impact charge.

For the third consecutive year, aggravated assault has shown a general level slope, that is very little increase. The 1974 Uniform Crime Report data show a .6% increase in assault over 1973. This very slight increase follows two years of decrease. Clearly, the aggravated assault incidents have not increased to the formerly dramatic increases seen between 1967 and 1971. For cities over 500,000 population an average increase of 3% was seen nationally according to the UCR data. Similarly, the slight increase in Denver following the two years of decrease occurred in the face of a 7% to 9% increase nationally.

Looking at the more recent 1973-74 System III data, changes over the 1970 data can be observed. For example, the victim characteristic data show that the proportion of Anglo victims has increased from 41% to 52% while the proportion of Black victims has decreased from 29% to 25%; a similar decrease was observed for the Chicano victims. It does appear, too, that the victims are slightly older than those observed in the 1970 sample. No change in the male/female distribution was observed. As with the homicide data, the proportion of assaults occurring outside has increased approximately 9%, while a 5% decrease in the residential incidents has been observed. Of particular interest is the increase in 1973-74 in the use of some type of gun in the assaults, with a 6% increase shown, and a concomitant decrease in the use of physical force (6%) over the 1970 sample data.

The 1973-74 aggravated assault data showing secondary charges indicate that for most assault cases there is no secondary charge made. In those cases where an additional charge is brought (37.5%), the charge is usually for burglary, a weapons violation, larceny or narcotics. In the remaining relatively infrequent charges a wide variety of violations may be named, including other assaults, drunkenness or disorderly conduct.

The case processing data for cases occurring in 1974 reflected approximately 2,000 cases, 1,918 of which were actual arrests. The clearance rate reported was 66.7% which is similar to that reported in the 1970 sample. Cases reported filed by the detective staff (1,008) show a 35% increase in persons arrested. Nearly 46% of the cases filed in the investigator's log refused to prosecute following completion of an aggravated assault report. Also, nearly 9% of the cases never reached the courts because of the District Attorney's refusal to prosecute. Almost twice the number of the remaining cases are filed in the County Court (29.8%) as are filed in the District Court (15.7%).

District Court dispositions reflecting a six month sample from 1974, show only 4% of the original charges filed in the court resulting in convictions for those charges. One-fourth of the cases were dismissed, while 51% were eliminated by conviction by plea, most of which were for a lesser felony offense (68%). Deferred court action and not guilty verdicts resolved an additional 16% of the cases before the court. Of the original cases before the court, 4% were adjudicated for the original charge while 15% resulted in conviction for a lesser felony offense.

Analysis of the block face and census tract data for assault indicates that the Capitol Hill area is predominantly the high aggravated assault incidence area. Additionally, both northeast and northwest Denver do have a fair distribution throughout the quadrants. This is in marked contrast to the southern quadrants, both of which show less incidence of assaults. Of considerable interest in looking at the distribution of adult arrests for assaults by census tract is the fairly homogeneous distribution throughout the city. Clearly the correlation between assault incidents and arrests is not very high for adults with the exception of the Capitol Hill area. Adult offenders appear quite mobile when considering assaults. Juvenile arrest data by district show District One and District Two to be particularly high in comparison to Districts Three and Four. For example, District Two is three and one-half times higher in juvenile arrests for assault than District Three, and over twice as high as District Four. Looking at the district totals for adult arrests, a concomitant relationship is observed between the four districts.

For both adults and juveniles, the arresting agent was the uniform officer in most cases. In almost 90% of the adult arrests, the agent was a uniform officer. In the case of juveniles, 55.4% were arrested by a uniform officer while in 37.3% of the cases, the Delinquency Control Division made the arrest. Unlike the homicide data reported by the 1974 arrestee data, the central investigative staff did not account for many arrests.

#### ROBBERY SUMMARY

##### *Trend Analysis*

The attached graph showing the actual frequencies of robbery in Denver in the last ten years highlights the extent of the growth rate. In 1974 there were about four times the number of robberies that occurred in 1968. This growth rate has far exceeded the relatively small increase in Denver's population during the same time period although it does more closely correlate with the extensive population increase in the metropolitan area. As illustrated on the graph, the yearly rate of increase has decreased in recent years with reductions experienced in both 1971 and 1974. However, the graph fails to point out a 1975 year-to-date increase in robbery of 40% as of June 1, 1975. If this increase continues throughout the year, the 1975 rate will actually exceed the predicted frequency based on a 10-year trend analysis. Robbery remains a serious problem in Denver showing no evidence of stabilizing as has been the case with some other serious crimes.

National robbery trends are similar to those experienced in Denver. According to the Uniform Crime Report, over the last 7 years, robbery has increased each year on an average of 9% compared to the prior year. Among the largest cities, Denver ranks 25 in terms of population but remained 19 in robbery frequency in 1973 and dropped to 24 in 1974. Based upon 1975 statistics (40%

increase in robbery), Denver will undoubtedly "rise" in the robbery ranking this year.

### *Type of Incidents*

In 1973 and 1974, twice as many robberies were aggravated as compared to simple robberies. Slightly less than 10% of the incidents were attempts only. The target was a person twice as often as a premise. Over 40% of the offenses occurred in the streets while 30% of the "hold-ups" were in commercial establishments. One out of every 10 robberies occurred in a private residence and the same proportion occurred in a vehicle.

### *Property Loss*

Property loss from Denver robberies in 1974 total over a half million dollars, up significantly from the \$350,000 loss of 1973 even though the total incidents decreased. Surprisingly, the pay-off to the robber doubled on the average for aggravated robbery to \$290 in 1974 while the average pay-off for simple robberies was almost cut in half from \$111 in 1973 to \$59 in 1974. Property recovery rates, unlike offenses such as auto theft, are small. The 1973 rate of recovery was 10% while 1974 robberies involved a 12% rate. The economic impact of robbery to the victim is increasing at a faster rate than the recoveries.

### *Robbery Location*

Robbery, unlike several other offenses, occurs in a few concentrated areas of the city and, otherwise, is infrequent throughout the remainder of the city. An analysis of 1973/1974 robbery by census tract points this out quite clearly with 15% of the city's census tracts accounting for 50% of the robberies. A more detailed analysis at the street blockface level further shows a few small areas of the city, not always contiguous, as the location of most robbery incidents. In terms of describing the high incident robbery areas, the Central Business District, Five Points and Capitol Hill areas most frequently are the target areas for the robber. More specifically, Larimer Square and the surrounding streets to Wazee, as well as main thoroughfares of the city, East Colfax, Broadway, and Federal Boulevard, include a disproportionate number of the robbery incidents.

An analysis of the exact place of occurrence of 1973 and 1974 robberies provided the following results: 39% of the robberies occurred on the sidewalks, street or alley; another 8% of the robberies occurred in parking lots; most commercial robberies occurred at the counter, although a major proportion took place at the store front; and residential robbery usually occurred at the front door. Other frequent places of occurrence include parked autos and living rooms. Robberies on school grounds and in taxis were relatively rare events.

### *Security*

Security measures were virtually non-existent at robbery targets but, when taken, were effective over half the time in reducing the loss. It is not known what effect security may have on preventing robberies from being attempted.

### *Time of Occurrence*

Robberies occur about half the time during one-fourth of the day, 6 PM until midnight. The highest frequency occurs between 10 PM and midnight. Other than a high rate on Friday, robbery occurs fairly evenly across the other days of the week. Unlike burglary or rape, robbery does not show a high degree of seasonality. Peaks and valleys in robbery rates do not consistently occur in the season of the year.

### *The Incident*

Most robberies involve only one victim. More than one-third of the time the victim was injured, usually beaten with or without a weapon. In about half the incidents the victim was immobilized. The victim is typically either walking or working in an official capacity just prior to the incident. Most robberies involve a stranger offender.

More often than not, there are multiple offenders who are typically armed with a handgun. The offender(s) would usually threaten the victim although discharging a firearm was infrequent. The offender was virtually never injured. Only 12% of the robberies were aborted and the offender left the scene on foot rather than use of an auto.

### *Victim Characteristics*

The robbery victim most frequently is a young adult between the ages of 20 and 24, based on an analysis of 1973 and 1974 robberies against persons. This is primarily due to the infrequency of aggravated robbery, since simple robberies occur half the time to older victims (45 years or older). Overall, about two-thirds of the victims were male, although half of the victims of simple robbery were female. The unique age and sex characteristics of simple robbery victims reflects the large number of purse-snatches from older women. The victim in 80% of all robberies was Anglo compared to a city composition of 72% Anglo.

### *Arrestee Characteristics*

Based upon 1973 and 1974 statistics, robbery offenders are predominantly male (90%), Black (49%), and 14 to 20 years old (55%). Blacks, representing 9% of the city population, account for half the robbery arrests. Older juveniles (16 and 17 years old) are the most likely of all age groups to be robbery arrestees. Robbery arrestees are usually (60% of the time) charged with a secondary offense. Other than miscellaneous offenses such as drunkenness, the secondary charge is most commonly narcotics (9%) or aggravated assault (8%).

Robbery arrestees tend to be repeat offenders. A background study of adult robbery arrestees indicated that 60% of the group had an average of 3.4 prior arrests in Denver during the prior two years. An analysis of rearrest rates over two years showed a rearrest rate of over 50% without adjusting "at risk" time for those confined or accounting for rearrests in other jurisdictions. Even higher rearrest rates were found among a similar study of juvenile arrestees charged with robbery. Like burglary offenders, robbery arrestees and convicted felons are high-risk recidivists.

### *Arrestee's Residence*

An analysis of both juvenile and adult arrestees in 1973 and 1974 points out the small geographical areas within the city in which robbery arrestees reside. Eighteen percent of the city's census tracts comprise the home address for 63% of the adult arrestees. The top 10% of the police precincts in the city account for approximately 38% of the juvenile robbery arrestees' residence. Half of the youth arrested for robbery reside in the quadrant of the city, Northeast Denver.

The attached map highlights the high incident robbery areas, adult arrestees' residence and juvenile arrestees' residence. Somewhat surprisingly, there is considerable overlap between robbery location and the residence of adult arrestees, but very little overlap between the crime location and juvenile arrestees' home address. The youth appear to be more likely to leave their neighborhood to commit a robbery than adults. Since unique offenses and corresponding arrests are not correlated, but rather aggregate data, there are other plausible explanations to explain the correlation just discussed.

### *System Processing*

In 1974, 2,443 robberies were reported to the police of which 135 (5.6%) were nonfounded with 31% of the remaining incidents cleared by an arrest. A total of 506 adults and 241 juveniles were arrested and charged with robbery. Compared to other person-to-person crimes the robbery clearance rate is low, probably due in part to the higher proportion of stranger-to-stranger incidents for this crime than other person crimes. In 1974, over two-thirds of all robbery arrests were made by uniform officers. SCAT officers accounted for 13% of the arrests, DCD 8% and central investigation, 7%.

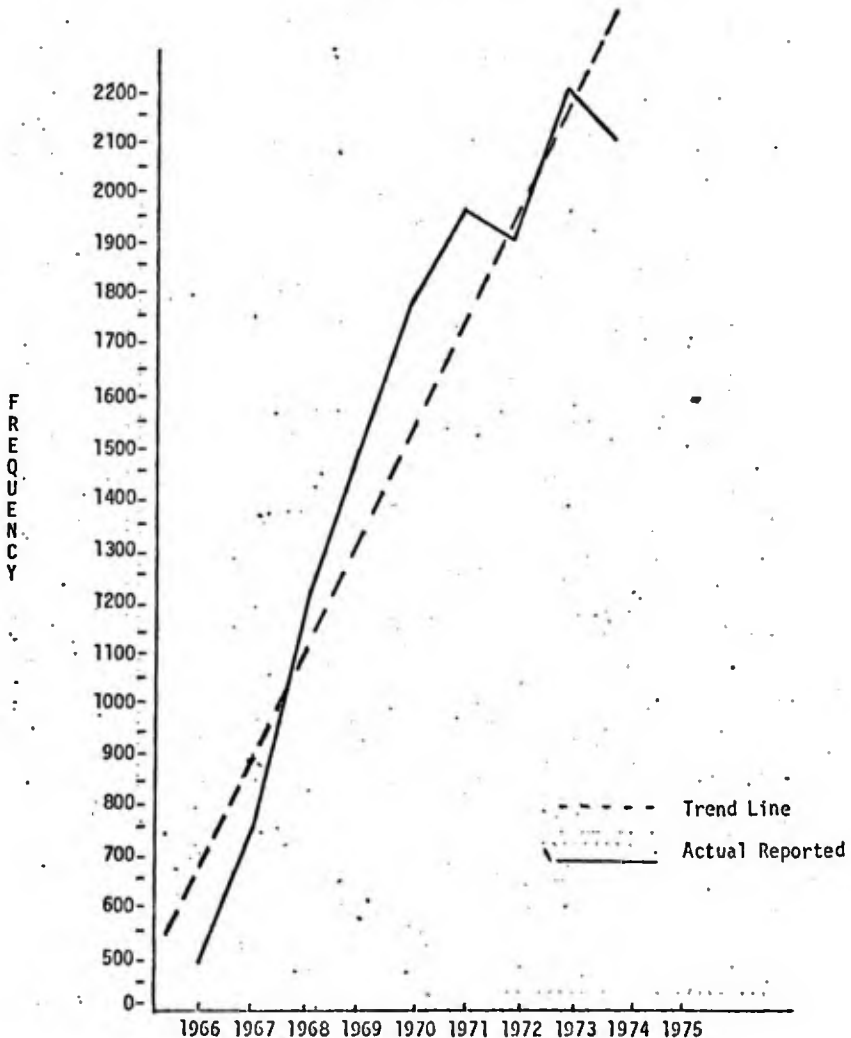
In 8% of the sampled robberies, the offender was apprehended either at the crime scene or leaving the scene. Arrests not made soon after the incident were usually never cleared by arrest. An evidence technician was used in 14% of the cases but was of limited benefit in identifying the offenders. The investigative technique most effective was mug shots. An identified suspect was almost found and arrested if not already in custody for another offense.

The detectives at Denver Police Department investigated and filed on 556 robbery arrestees in 1974. However, only slightly more than half (54%) of these cases reached the courts. The victim refused to prosecute in 158 (18%) of the cases, the D.A. refused to prosecute in 74 (13%) of the cases and the remaining 4% were referred to other agencies. Prior to the formal adjudication process, almost half of all potential robbery cases were screened out of the criminal justice system.



In addition to the high "drop-out" rate of robbery cases to filing, a small proportion also are dismissed or reduced at the preliminary hearing and are never filed in District Court. However, robbery cases filed in District Court after all the case screening seldom result in a conviction for the original robbery charged filed. A sample of 116 robbery filings in Denver District Court in 1974 points this out. Only 15% of the cases resulted in a conviction of the original robbery charge. Sixty percent resulted in some conviction although most of these were cases plea bargained to a lesser felony or misdemeanor. Twenty-one percent (21%) of the cases were dismissed, usually because they pleaded guilty to another case or were convicted in another case. Plea bargaining is the rule, not the exception, in the adjudication of robbery cases in Denver.

#### Total Robbery





**Mr. CONYERS.** Thank you both. Might I, before recognizing Congressman Mann, welcome Robert Shaughnessy who is in charge of the detective bureau for the Denver Police Department for the crimes against persons

I would like to recognize you to make any additional remarks to this discussion and then we will go on with your questioning.

#### **TESTIMONY OF ROBERT SHAUGHNESSY, DENVER POLICE DEPARTMENT**

**Captain SHAUGHNESSY.** All right, thank you. When I was first asked by the committee to speak here I wasn't sure that I had anything to contribute because, frankly, Mr. Weller and the Denver Anti-crime Council are doing research and statistical studies, and I would like to point out at this time what a boon it has been to us to have the impact city moneys because we really weren't doing that in the department. We are so busy fighting fires that we don't have the time to do that sort of research and they are doing that and it has been very helpful and meaningful. However after I spoke with Mr. Hart from your committee he pointed areas in which I might be able to contribute something and one of those particular areas was in the area of registration although we prefer to think of it as regulation rather than registration. In fact this law has been in existence in the Denver area as far as I know at least 20 years because I have been in the police department that long and we have had such a reporting



ordinance ever since then. We have revived it from time to time, added to it but we have always had such an ordinance that requires that any weapon that is sold, traded, or rented by a dealer in this city must be reported to the manager of safety. It has to be reported the next day and the information includes the, things such as the name of the person, his age, his occupation, residence, and a good identification of the weapon and then the name of the person who made the sale and a description of the identification which he used and recently we did amend that to require two pieces of identification rather than one. I might mention in passing an incident which we just had which shows that regardless of what laws you have or what regulations you have that the people who administer them unfortunately sometimes make mistakes. We did have a gun sold here to a felon who had just gotten out of the State Penitentiary the day before and of course there are Federal laws prohibiting this but the dealer sold the gun to the man and then required identification. The man didn't have any identification since he had just gotten out, so he used his Canon city identification card and the dealer wrote on the registration slip his inmate number for the penitentiary as identification. So whatever laws you have you have to administer them with some sense, otherwise they are no good. We do have a daily report to the manager of safety and then he passes that information onto the police department. We receive once a week a several page legal sized typewritten sheet of persons who purchased guns in the city of Denver the week previously. Now we file this information in our police department records and it remains there forever unless that gun is traded or sold to someone else. This is valuable in a number of areas. First of all if the gun is stolen—people rarely record their serial numbers but we are trying to do that now through an operation that is federally funded through the LEAA. Most people don't know the serial number of the weapon they have and we can then go to our records and if the gun was registered in Denver 22 years ago we can tell him the serial number of it and then we can give a more complete identification of the weapon in an attempt to recover it, and it is also useful in an attempt to trace weapons that are used in crimes and I would certainly want to be the first to say that of all the weapons that are registered here in the city and county of Denver that probably 90 percent of them are never used in a crime but the information is there if they are ever stolen and the weapon is subsequently used in a crime then we can trace the weapon. Now the stickup detail uses this weekly report, they can check it against our identification bureau. If the person has a previous criminal record that indicates that—obviously if he has a traffic ticket we don't pull his picture but if he has a record of a crime of violence we pull his picture and we place it in our current mug book and many such identifications are made from this list that we have. Now obviously this only covers the guns sold by dealers. There is unfortunately some trafficking between private individuals which is not of record. For instance, one of the big areas that we are having some problems with are the flea markets or the places that are open on Sundays where you can drive in and if you go out—I have gone

out a few times just for my own sake and strolled around and there are many many weapons there and—

Mr. CONYERS. That are available for sale?

Captain SHAUGHNESSY. That's right, to anyone.

Mr. CONYERS. Are they used weapons or new weapons?

Captain SHAUGHNESSY. They are used weapons and many of them are legitimate. Unfortunately in some cities, in fact one city started a flea market with LEAA money just to check on stolen property and found more than half of the property sold in the flea market was stolen and it is an excellent place to dispose of it. We ran into a large ring of burglars here in Denver that were selling new things, taking them to the flea market and selling them for half price and then using that money—like if they wanted a TV they'd sell two color TV's to buy a new TV which was legitimate and if you checked their homes the TV was legal.

Mr. McCLORY. It is my information that something like 30 or 35 percent of the weapons that are used in connection with crimes are purchased from pawnbrokers. Do you have any experience with pawnbrokers dealing in firearms?

Captain SHAUGHNESSY. Yes, sir; I would say probably the principal dealers in firearms in Denver are pawnbrokers. Now we have several gun shops that deal only in guns but in addition most, not most, many sales of weapons in Denver are made through pawnbrokers. They are the principal dealers in Denver.

Mr. McCLORY. Do you have any recommendations in that regard?

Captain SHAUGHNESSY. No; I feel that in this city we have a good control over them. Obviously we have no control if the man sells the gun under the table and does not make any record of it but in the cases where we have found that out we have prosecuted them and I don't feel that's a problem of magnitude at this time in this city.

Mr. CONYERS. Well picking up on Congressman McClory's question should those pawnbrokers be licensed as regular dealers so that they come under the major control of Federal and State regulations?

Captain SHAUGHNESSY. Yes, sir; they have Federal firearms licenses as well as the city sells them a license to sell firearms so they are regulated.

Mr. CONYERS. Now returning to the flea market sales, are most of those weapons that are sold handguns?

Captain SHAUGHNESSY. Yes, sir; now I walked around interestingly enough just a couple of weeks ago, I didn't know this was coming up but I was out there doing a survey on my own and I would say probably 75 percent of the weapons or even more, maybe 80 percent were handguns. There were a few rifles, there were some .22's and one or two shotguns but most of them were handguns.

Mr. CONYERS. They came from what sources?

Captain SHAUGHNESSY. Anyone can sell at the flea market. I think—I'm not sure of the amount but it costs just 50 cents just to go around and if you are going to sell something it is \$2 or \$3.

Mr. CONYERS. What I am saying is that most of the guns, do you suspect that they were stolen or that they were legitimately channeled the State commerce?

Captain SHAUGHNESSY. I think some of them were stolen, yes, sir. In fact I picked some of them and memorized the numbers and went and called those in on my car radio and they were not stolen but I feel some of them were and that has been the experience in other cities. Of course we have no control over those. There is no registration slip placed on those and we have no idea who sold them or who bought them.

Mr. CONYERS. You can understand why we are considering amendments that apply to all sales, including the dealer to the first purchaser and nonlicensee to nonlicensee so that there is a record of all weapons transactions. Otherwise, citizens whose guns are registered with dealers, as they now are under the 1968 Gun Control Act, will be doing it to no avail since there would be no record of private transactions between citizens.

Captain SHAUGHNESSY. Yes, sir; most certainly there is a need for that. I don't think any regulation you pass will control the underground sale of weapons. We often arrest an individual who says he purchased the weapon in a bar from another individual and certainly no law could control that, but you certainly could control things like flea markets and places like that.

Mr. CONYERS. Why couldn't we control a bar sale just as well as a flea market sale?

Captain SHAUGHNESSY. Because I doubt if they would report most of them. Most of those sales are in stolen weapons and so I don't think that they would.

Mr. CONYERS. Right, but we could have it apply—the law should apply to each and every transfer of a weapon no matter if it is the 50th sale. It should be legally required, it seems to me, according to the circumstances you described that no matter where it is sold—the flea market, the bar, neighbor-to-neighbor—that there has to be a record of the sale. That would permit the appropriate authorities to know where the weapon is and who has legal possession of the weapon, would you agree with that?

Captain SHAUGHNESSY. Yes, I certainly would. Certainly I would hope that such legislation will have a penalty for those who do not report that sale.

Mr. CONYERS. It probably would have to. Now the final point that is disturbing me a little bit is the fact that honest citizens frequently end up subsidizing the guns that end up in flea markets and illegal bar sales. This, as you know, leads us to the stickier part of our discussion. Unless we begin to examine the question of the proliferation of handguns as a problem to be handled in and of itself, we may just end up registering 80 or 90 million handguns in 10 years instead of 40 million. All the law-abiding citizens will register and all the ones that aren't won't and we will be playing a numbers game with the records. Do you see, somewhere down the line, a responsibility to look at the total number of handguns circulating in our society?

Captain SHAUGHNESSY. Yes, sir, as a police officer I do, as a citizen of the State of Colorado and considering our western heritage it bothers me to think of that, but honestly in my official position I hate to say yes.

Mr. CONYERS. As a citizen of Detroit, and not a police officer but as a Congressman, I have to agree with you and say it bothers me too. Now given the fact that we are all bothered, somewhere along the line it seems that we are going to have to examine this question in our respective capacities. The nature of the subject suggests that it is a national problem and that the most stringent regulations Denver could ever produce won't mean a darned thing until there's some sort of national concern over the subject. And I refer you to Congressman Mann's references to the problems on the east coast of our country. So, with probably the same amount of reluctance, I arrive at the conclusion that somewhere along the line this arms race is going to have to be toned down. The question then turns on how intelligently we can do that, and I would invite any responses that you have and then recognize Congressman Mann to pick up the questioning.

Captain SHAUGHNESSY. I was going to make that point next, that not only nationally but just in our local community where we are a city surrounded by a large suburban area, in fact twice as many citizens live in the suburbs as live in the city and while we have an effective registration or regulation reporting system in this city they do not have, so all I have to do is walk across the street and I can purchase a firearm and while the Federal records are made out, the Federal report, those records go to no one. They are collated nowhere and they are not available for recovery in the event of an attempt to trace a firearm so our effective reporting regulation here is meaningless as long as the cities surrounding us and I suppose the State as well have no sort of regulations and frankly that's the weakness of our "Saturday-night special" ordinance. We have a good one, we use a little different than ATF does where again I can walk across the street, Sheridan Boulevard, and buy a "Saturday-night special" and then walk back the street and I am back in Denver and the law does not say I may not possess it, it says I can't buy it in Denver. So while it is a good first step it is meaningless as long as no one else has the regulation.

Mr. CONYERS. I guess it establishes that loopholes may be local or national in nature.

Captain SHAUGHNESSY. Yes, sir, it certainly does.

Mr. CONYERS. Mr. Mann?

Mr. MANN. Thank you Mr. Chairman. Am I correctly informed that the State of Colorado does not have a concealed weapons law?

Captain SHAUGHNESSY. No, sir, we have a concealed weapons law. It may be somewhat more liberal than in other States in that you may wear a firearm in the open but you may not conceal a firearm. However many of our cities have laws about wearing a firearm even in the open. I think our city concealed weapons ordinance would cover that but out—out of the city of Denver you may wear one as long as it is in the open and not concealed. It is against the law to conceal one.

Mr. MANN. We don't have any local State judiciary on our agenda, we have a Federal circuit judge. I glanced at your statistics and note that as in many cases your favorable disposition in weapons-related

cases is fairly low. Just what is the attitude and what is your satisfaction with the disposition of simple illegal weapons cases in the courts?

Captain SHAUGHNESSY. I must be honest and if it sounds critical of our local judiciary I don't mean it that way but in fact the standard fine in Denver for possession of a concealed weapon is \$25 suspended and so in reality there is no fine. The one thing that does, I feel, act as a deterrent is that in our ordinance we also provide for confiscation of a weapon. If you are charged with one of those concealed weapons charges, flourishing a weapon, discharging a weapon, the court can confiscate the weapon and at least that individual won't go back out and wear that weapon, discharge that weapon and he will have to get another. So that's about the only penalty but that is the normal fine, \$25 suspended for concealed weapons.

Mr. MANN. Your experience and statistics that two-thirds of the homicides occur between friends and relatives is consistent with what we have found throughout the country, at the same time the rise in crime causes the average law-abiding citizen to want to own a pistol, at least have one in his own home. The criminal sanction against this in Colorado are not going to keep him from doing it, the moral justification that he has because of the failure of law enforcement is going to cause him to think that he is entitled to it and so the two-thirds figure will probably increase rather than decrease, particularly given the correlation with alcohol which you have recognized. In the light of that though let's find out whether or not any cases have come to your attention in the last year or so where any citizen has successfully used his weapon to repel a criminal.

Captain SHAUGHNESSY. A few but not very many. We have not had much success in the area of householders defending themselves with a weapon. In fact we have had some unfortunate situations where a householder fired his weapon—in Colorado mere trespass is not enough, in other words if I come onto your property you cannot shoot me. We have had situations where that has occurred. We have seen on the other hand successful instances of merchants defending themselves with a weapon which they had in their drugstore or liquor store or grocery store. I certainly would not counsel druggists and convenient stores to have them because we have also experienced some tragic situations where when he attempted to defend himself he was killed. We had three homicides in a week in the eastern part of our city, in one of them a man was killed defending \$6 in his till and he certainly would have been far better off had he permitted the stickup man to take the \$6 but this was an old man and he and his wife ran a "ma and pa" store, he had been held up so many times that he just reached the point where he was not going to surrender the money and he grabbed a gun and the man fired one shot and killed him.

Mr. MANN. Of course we have no way of accessing the deterrent effect upon crimes against households as well as against businesses which might result from the knowledge that the householder or most householders did have weapons but I gather from what you are telling me that statistically the householder ends up shooting himself or his son more often than he ends up in preventing a very serious crime?

**Captain SHAUGHNESSY.** Yes, sir, and we have had an even worse situation where the householder felt that he was justified in shooting at someone and then was charged with a crime himself and often—I don't mean to be facetious but often the only thing that happens when a gun is kept in the home is that when the home is burglarized the gun is stolen and it gives additional loot to the burglar. That's often the case in this part of the country, that the fruit of a burglary is often firearms.

**Mr. WELLER.** We recently had an incident where the commercial proprietor of a store after having just been robbed stepped out into the alley with a handgun in pursuit of the robber and at that time the police officers arrived at the scene and the merchant was killed by a police officer mistaking him for a robber, which is another deterrent to commercial protection by a handgun.

**Mr. MANN.** Thank you very much.

**Mr. CONYERS.** Your testimony, particularly your responses to our questions have been extremely important. It provides us with the knowledge that notwithstanding the location and the circumstances of life in Denver, it is not much different from most of the cities of the Nation in terms of firearms and violence. We deeply appreciate your helpfulness. I see that Mr. McClory seeks further recognition, and I recognize him.

**Mr. McCLORY.** Thank you Mr. Chairman. Yes, I do have some questions I would like to pose. I'd like to concur in what you have said and the testimony of both Mr. Weller and Captain Shaughnessy are extremely illuminating it seems to me for the purpose of our hearing and form a good backdrop for the further hearings we are going to have today. I would like to know this, Captain Shaughnessy, in connection with the identification program—you have in a sense a perfect identification program here now where insofar as the transactions within the city and the recordkeeping by the city is concerned but it does work of course if you have a weapon which is brought in from outside. Do you have occasion to utilize the ATF gun identification system?

**Captain SHAUGHNESSY.** Yes, sir, and prior to that system we were having a great amount of difficulty tracing firearms through the manufacturer, we had almost no success. Now we are running almost 50 percent since we have the ATF program.

**Mr. McCLORY.** The only problem there of course is you have to communicate with them either by telephone or by mail and then they go to the manufacturer and get the serial number and then get the name of the dealer who may be out in the suburb or may be Utah or Illinois or Michigan and it takes a little time doesn't it?

**Captain SHAUGHNESSY.** Yes, sir, it is time consuming. Another problem is the fact that there is a great duplication on the serial numbers on firearms. It seems to me that it ought to be possible through a combination of letters and numbers to have an individual serial number for each firearm. That is not true now, in fact if we were to run the serial number on the gun that I am wearing through the NCIC now, we would get four of five hits. One would be on an Ivor Johnson-22, one would be on a Savage Shotgun, and one might be on some other handgun, and there'd be none I hope on this weapon.

As long as there is a duplication, we are always going to have a problem.

Mr. McCLORY. If we had some kind of a federally directed identification system, whether you call it handgun registration or identification or whatever, it would help in this process of identifying a weapon which is used in connection with a crime?

Captain SHAUGHNESSY. Yes, sir, and that weapon should have a serial number that is unique only to that weapon.

Mr. McCLORY. I'd like to ask this. The President in his message on crime suggested a waiting period, a requirement for a waiting period because you indicated the one dealer sold a weapon to the fellow who just got out of prison and he used his penitentiary identification for purposes of securing the weapon. Now, actually if this fellow had to wait for the 5 days and you checked on him a little bit, why this dealer wouldn't possibly have made this mistake.

Captain SHAUGHNESSY. No, sir, we tried in the State legislature to get such a law passed with a 5-day cooling off period, as they called it, and a check; the seller would check with the local law enforcement agencies to see if there was any objection. We were not successful in getting that law passed, however.

Mr. McCLORY. One of the things that concerns me at this time and I know we are bound to encounter a great deal of difficulty with any kind of a restriction with regard to the purchase of handguns, especially by a shopkeeper or even a homeowner that feels that he wants a weapon for protection, in the city ordinance here in Denver, you sort of recognize that there is a need for a handgun by an individual from time to time and then coupled with that the President's recommendation for compensating the victims of a crime. Isn't that sort of an admission there that law enforcement is not, law enforcement in the community is not able to reduce crime in America and that as an alternative we are going to recognize the right of everybody to have their own gun to defend themselves and when they get injured because of the commission of a crime we are going to take the money out of the taxpayer's pocket and compensate the victim of a crime?

Captain SHAUGHNESSY. Yes, sir, unfortunately I'm afraid that's true. Mr. Weller is more aware of it than I, but they did a study in St. Louis in which they determined frankly that the police department had little effect on crime because in some areas they pulled all of the police officers out and the criminal rate didn't go up appreciably. In other areas they took the area and saturated it with the police officers and crime did not go down and their conclusion was that actually the presence or absence of the police did not make that much difference in the more violent crimes.

Mr. McCLORY. Getting back for a minute to the registration or the identification or whatever we call it here in the city of Denver, there is presently a requirement for an individual to report his transaction in addition to the dealer transaction?

Captain SHAUGHNESSY. Yes, sir, I would say reading the ordinance that this is a requirement. I must be honest and say that it is not a requirement that is followed.



Mr. McCLORY. Another problem that concerns me is this, it would seem to me this is a subject which every gun owner and every law-abiding citizen would want to support; and that is the requirement to report a lost or stolen weapon because a lost or stolen weapon is a potential weapon to be used in connection with crime, especially a stolen weapon. Is there such a requirement? What would you think about such a requirement, you know, the Federal Government mandating such a requirement as a State or local requirement?

Captain SHAUGHNESSY. There is no such requirement now. I would be in favor of it.

Mr. McCLORY. Very helpful wouldn't it?

Captain SHAUGHNESSY. Yes, sir.

Mr. McCLORY. Thank you very much for your helpful testimony.

Mr. CONYERS. I think the entire subcommittee would agree that you both were very good leadoff witnesses and gave us a good foundation for the testimony that is to follow. Please feel free to continue to advise us as we move along in our work. Both of you have been highly recommended by our subcommittee in terms of your cooperation and your competency in coming up with the formulation of the kind of problems that we are going to have to resolve.

Mr. McCLORY. Could I ask one more question?

Mr. CONYERS. Yes, sir, go ahead.

Mr. McCLORY. Mr. Weller, it comes to my attention in connection with going through the data, that you call attention to the fact that the typical aggravated assault case in which a weapon is used involves a person between 18 and 29 years old, with a very high percentage also below 18 years of age. Is there any problem of firearms either on the college campuses or the high school grounds in Denver?

Mr. WELLER. Not that I am aware of Congressman. I think that a good number of those aggravated assaults are probably non-gun-related aggravated assaults in that younger teenager group although periodically the police department obviously picks up cases of high school students possessing a firearm that it is not a significant problem.

Mr. CONYERS. Thank you very much gentlemen.

[Subsequent to the hearing, Captain Shaugnessy submitted the following information for the record:]

#### DENVER, COLO. ORDINANCE

##### ARTICLE 12—OFFENSES RELATING TO FIREARMS AND WEAPONS

40-12-101. *Definitions.* (1) The following definitions apply to this article:

(a) "Blackjack" includes any billy, sand club, sand bag, or other hand operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance, and at the handle end, a strap or springy shaft which increases the force of impact.

(b) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

(c) "Short rifle" means a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches.

(d) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.



(e) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

(f) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Knife" means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

(i) "Gravity knife" means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever, or other device.

(j) "Switchblade knife" means any knife, the blade of which opens automatically by hand pressure applied to a button, spring, or other device in its handle.

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

40-12-102. *Possessing an illegal weapon.* (1) As used in this section, the term "illegal weapon" means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.

(2) A person, other than a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties, or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a class 1 misdemeanor if he knowingly possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

40-12-103. *Possession of a defaced firearm.* A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturers' serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

40-12-104. *Defacing a firearm.* A person commits a class 3 misdemeanor if he intentionally removes, defaces, covers, alters, or destroys the manufacturers' serial number or any other distinguishing numbers or identification mark of a firearm.

40-12-105. *Unlawfully carrying a concealed weapon.* (1) A person commits a class 2 misdemeanor if he knowingly and unlawfully:

(a) Carries a knife concealed on or about his person; or

(b) Carries a firearm concealed on or about his person;

(c) Without legal authority, carries, brings, or has in his possession a firearm, or any explosive, incendiary, or other dangerous device, within any building in which the chambers, galleries, or offices of the general assembly, or either house thereof, are located, or in which a legislative hearing or meeting is being or is to be conducted, or in which the official offices of any member, officer, or employee of the general assembly are located.

(2) It shall be an affirmative defense that the defendant was:

(a) A person in his own dwelling, or place of business, or on property owned or under his control at the time of the act of carrying; or

(b) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property, while traveling; or

(c) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit to carry the weapon by the chief of police of a city, the mayor of a town, or the sheriff of a county; and such written permit shall be effective in all areas of the state.

40-12-106. *Prohibited use of weapons.* (1) A person commits a class 2 misdemeanor if:

(a) He intentionally and unlawfully aims a firearm at another person; or

(b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or

(c) He sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or

(d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug or dangerous drug. Possession of a permit issued under section 40-12-105 (2)(c) is no defense to a violation of this subsection (1).

40-12-107. *Penalty for second offense.* Any person who has within five years previously been convicted of a violation under section 40-12-102 to 40-12-106, shall for a second or subsequent offense under the same section be guilty of a class 5 felony.

40-12-108. *Possession of weapons by previous offenders.* Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in section 40-1-1001 (3) (h) or sections 40-12-101 to 40-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

Mr. CONYERS. Our next witnesses are regional directors of the Bureau of Alcohol, Tobacco, and Firearms of the U.S. Department of the Treasury. The director of the southwest region is Mr. Billy Gaunt and the director of the western region is Mr. John Krogman. Gentlemen, I notice you are accompanied by some of your staff. Please come forward and identify the men with you. Your statements will be made part of the record so that we can move onto any additional observations and highpoints that you would like to impress upon this committee. Welcome.

**TESTIMONY OF BILLY L. GAUNT, REGIONAL DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY, ACCOMPANIED BY JOHN KROGMAN, DIRECTOR, WESTERN REGIONAL OFFICE; AND JIM HARMON, ASSISTANT REGIONAL DIRECTOR, CRIMINAL DIVISION; ORVILLE J. TURNER, ASSISTANT REGIONAL DIRECTOR, WESTERN REGIONAL OFFICE**

Mr. GAUNT. Thank you Mr. Chairman. I am Billy L. Gaunt the regional director for the southwest region and I have with me the assistant regional director for criminal enforcement, Jim Harmon, and of course Mr. Krogman. Mr. John Krogman from the western regional office has with him his assistant, Mr. Orville Turner. I will speak briefly about the southwest regional program from the standpoint of regulatory enforcement. As you are well aware the ATF has basically two functions—one regulatory and one criminal enforcement. On the regulatory side we are primarily concerned with licensing requirements for alcohol, tobacco, firearms and the explosives industries, and for monitoring these industries to insure compliance with the laws that we enforce. On the criminal enforcement side we are engaged in developing criminal cases for presentation to the U.S. attorney in anticipation of prosecution for those same laws.

The primary function of the regulatory, one of the primary functions of the regulatory agency of course is to insure the payment of excise taxes and I might mention that the State of Colorado alone

paid excise taxes on the beer industry last year that amounted to over \$100 million. We have in the southwest region, the southwest region consisting of seven States—Oklahoma, Colorado, Wyoming, Texas, New Mexico, Louisiana, and Arkansas—we have about 300,000 permittees who are engaged in various aspects of the liquor and tobacco industry that require what we call basic permits. These are wholesalers, these are producers, they may be tax free alcohol users, industrial users, and people in that category. We also have approximately 58,000 retail liquor dealers in beer, wine, and liquor. Along with this we have 25,882 firearms dealers. We have an authorized staffing of 46 inspectors in the regulatory function to monitor all of these activities. So you can see that the job is tremendous and it is overwhelming. In a workload study that we completed last fall we found that it would take 50 inspectors just to make an original firearms investigation on every dealer making application for a license and to make one superficial examination of dealer records every 3 years. The inability to make compliance investigations I believe you can see critically affects any firearms program. A felon for instance can purchase a firearm from a dealer by either falsifying the required form or presenting false identification. These subterfuges can only be detected by a strong indepth compliance program where dealers are periodically examined and their records are investigated to determine what type of activities are taking place at that dealer's premises.

I might say that we have not yet, in the southwest region, made one original investigation on all of the dealers that we have licensed so we have dealers out there who are licensed premises visited. We have a population in the southwestern region of about 25 million people and we have a firearms dealer for every 956 people. In a statistical sample of our licenses we found that 29 percent of the licensees deal in ammunition only, that 30 percent operated from their homes and in many cases did not derive any substantial income from the firearms business.

Mr. CONYERS. Is Denver in the southwest region?

Mr. GAUNT. Yes, sir. I reviewed the proposal for changes in the Gun Control Act of 1968 recommended by the Treasury Department and these basic changes include of course strengthening of licensing requirements in order to reduce this tremendous number of licenses to a controllable number. This includes prohibiting the domestic manufacture and assembling of handguns which do not meet the existing standards for importation. It includes restating the present language of title 7 of the Crime Control and Safe States Act of 1968 to clearly prohibit the possession of firearms by felons without the necessity to prove interstate commerce as we believe Congress originally intended. Presently if we find a felon with a gun within the boundaries of the State in which he resides we don't even have forfeiture statutes to be able to take the gun away from him. I'm sure you are aware that these proposed changes are more detailed than I have stated but in applying my own standards to what I believe any new law or changes in the present law should meet, the criteria it should meet, I apply three tests. First of all they should contribute directly to the reduction of the criminal's use of firearms. Second, be

realistic in terms of resource requirement and enforceability and, finally, be acceptable to the law-abiding public. I believe the proposal of the Treasury Department, the proposal they have advanced meets all three of these criteria and I certainly would recommend them highly. We have some information that we would like to present and I will turn it over to Mr. Jim Harmon the assistant regional director and let him tell you about the information.

[The prepared statement of Mr. Gaunt follows:]

STATEMENT OF BILLY L. GAUNT, REGIONAL DIRECTOR, BUREAU OF ALCOHOL,  
TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY

Mr. Chairman and Members of the Committee: I am Billy L. Gaunt, Regional Director for the Southwest Region of the Bureau of Alcohol, Tobacco and Firearms. The Region is made up of the States of Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas and Wyoming.

As you are aware, ATF is one of the newest and yet one of the oldest of the Federal Law Enforcement family. Our organization history and tradition date back before the Civil War, while we just became a Bureau in July 1972. Our reputation for enforcement effectiveness relating to the production of liquor has long been known, however. It is only since the Gun Control Act of 1968 that we have really been fully involved in firearms regulation and enforcement.

Our organization has two distinct functional areas: Regulatory Enforcement, which is generally responsible for permits, licenses and compliance of businesses involved in alcohol, tobacco, firearms and explosives, and the Criminal Enforcement function which is responsible for investigating criminal violations of those laws we enforce. Mr. Jim Harmon, the Assistant Regional Director for Criminal Enforcement, will cover Criminal Enforcement's role with you later. I will be speaking primarily of the role of the Regulatory Enforcement Division.

One of the primary functions of Regulatory is to ensure payment of excise taxes on alcohol and tobacco products. Last year the beer taxes paid by breweries in the State of Colorado amounted to well over one hundred million dollars. In addition to its revenue protection function, Regulatory is also responsible for making background investigations of applicants for permits and licenses to ensure that only qualified persons engage in business; and that these persons, once qualified, continue to operate in compliance with all laws and regulations.

There are approximately 3,000 permittees presently engaged in some form of the alcohol and tobacco business within this Region. There are also approximately 58,000 retail dealers in liquor, wine and beer, and 25,882 licensed dealers in firearms and ammunition in the Southwest Region. We have an authorized staffing of 46 Inspectors in seven states for these activities.

A workload study completed last fall disclosed a need for a minimum of 50 Inspectors for the firearms program alone. This would allow us to make a limited background inspection of the new applicants and a maximum of one compliance inspection of each licensed business every three years.

The inability to make compliance inspections of dealers can critically affect any firearms control program. For example, felons can purchase firearms from dealers by (1) falsifying required forms by denying felony convictions, and (2) by giving alias names and fictitious identification.

These subterfuges can only be detected by a strong in-depth compliance program allowing for periodic examination and investigation of records kept by dealers.

In the Southwest Region we have not as yet made an original dealer qualification investigation on all licensees and have only made compliance investigations where we have suspected or reported criminal violations.

Southwest Region with a population of approximately 25,000,000 has one licensed dealer for every 965 people. We just completed a statistical sampling of our license files and found that 29% of the licensees deal in ammunition only. Of the remaining licensees, 30% operate from their home and, in almost all cases, do not derive any substantial income from the sale of firearms.

I have reviewed the proposals for changes in the Gun Control Act of 1968 recommended by the Treasury Department. These changes basically provide for:

1. Strengthening of licensing requirements to reduce the present number of licensees to a controllable number.

2. Prohibiting the domestic manufacturing or assembly of handguns not meeting existing standards for importation.

3. Re-stating the present language of Title VII of the Crime Control and Safe Streets Act of 1968 to clearly prohibit the possession of firearms by felons without the necessity to prove interstate Commerce.

I am sure you are aware these proposed changes are much more detailed than I have stated.

I believe any new laws or changes in the present laws relating to firearms should meet three tests:

1. They should contribute directly to a reduction of the criminal use of firearms.

2. Be realistic in terms of resource requirements and enforceability.

3. Be acceptable to the law-abiding community.

I believe the proposals of the Treasury Department meet those standards, and I personally feel if these changes are adopted we in the Southwest Region will be able to do a better job.

Thank you Mr. Chairman for the privilege of appearing before your committee. I will now turn the testimony over to Mr. Harmon.

**EXHIBIT A.—LICENSEES UNDER CHAPTER 44, TITLE 18, UNITED STATES CODE, IN THE SOUTHWEST REGION FOR YEARS 1969-75**

Year	New licenses	Renewed licenses	Total licenses
1969.....	17,713	7,409	25,122
1970.....	4,369	25,280	29,649
1971.....	4,216	23,987	28,203
1972.....	3,972	24,190	28,162
1973.....	4,009	24,717	28,726
1974.....	4,770	21,504	26,274
1975 (Jan. 1-May 31, 1975).....	1,931	9,968	125,882

<sup>1</sup>As of March 31, 1975.

**EXHIBIT B.—SOUTHWEST REGION**

Total dealers (firearms and ammunition)	Dealers in ammunition only	Firearms dealers (other than ammunition only) operating from commercial business premises	Firearms dealers operating from home
25,882	7,532	12,941	5,409

Based on statistical sample taken June 18, 1975 (Hill, Roth and Arkin—table 2h).

**EXHIBIT C.—INVESTIGATIONS OF FIREARMS LICENSEES CONDUCTED IN THE SOUTHWEST REGION**

	Conducted by criminal enforcement		Conducted by regulatory enforcement		Totals
	Original application investigations	Compliance investigations	Original application investigations	Compliance investigations	
Fiscal years ending:					
June 30, 1970.....	3,774	1,335	0	0	5,109
June 30, 1971.....	2,790	1,066	0	0	3,856
June 30, 1972.....	10,386	3,742	0	0	14,128
June 30, 1973.....	2,878	954	0	0	3,832
June 30, 1974.....	3,071	741	886	64	4,762
Through March 31, 1975.....	1,843	199	1,463	37	3,542
Totals.....	24,742	8,037	2,349	101	35,229

## EXHIBIT O.—ATF—SOUTHWEST REGION REGULATORY ENFORCEMENT INSPECTORS AND AREA SUPERVISORS

State	Authorized positions	On board	Position vacancies	Area supervisors	Assigned to OSP
Arkansas.....	2	2	0	0	0
Colorado.....	3	3	0	0	0
Louisiana.....	11	7	4	1	1
New Mexico.....	3	3	0	0	0
Oklahoma.....	2	2	0	0	0
Texas.....	25	24	1	2	7
Wyoming.....	0	0	0	0	0
Total.....	46	41	5	3	8

Houston area supervisor's territory covers south Texas.

Dallas area supervisor's territory is north Texas and Oklahoma, New Mexico, Colorado, and Wyoming.

New Orleans area supervisor's territory is Arkansas and Louisiana.

## CRIMINAL ENFORCEMENT ACTIVITIES—SOUTHWEST REGION FOR PERIOD JULY 1, 1972 THROUGH MAY 31, 1975

	Total cases	Arrests	Title I	Title II	Title VII	Title XI	Liquor
Fiscal year 1973.....	675	519	281	245	37	21	91
Fiscal year 1974.....	791	590	355	262	104	10	60
Fiscal year 1975.....	574	450	267	181	105	10	11
Total.....	2,040	1,559	903	688	246	41	162
Percentage of total cases.....			44.3	33.7	12.1	2.0	7.9

Firearms seized by or surrendered to ATF from July 1, 1972 through May 1975 equals 2,833.

Total field investigations made by special agents during period July 1, 1972 to May 31, 1975—16,307.

Average investigations per special agent equals 107.2.

Total application and compliance investigations made by special agents during period July 1, 1972 to May 31, 1975 equals 10,086.

Average investigations per special agent equals 59.

DALLAS DISTRICT OFFICE ACTIVITIES, PERIOD COVERED JULY 1, 1972 THROUGH MAY 1975<sup>1</sup>

	Total cases	Arrests	Title I	Title II	Title VII	Title XI	Liquor	Application
Fiscal year 1973.....	144	82	75	42	4	3	20	807
Fiscal year 1974.....	204	119	98	66	12	2	28	1,129
Fiscal year 1975.....	131	75	71	37	17	2	4	605
Total.....	479	276	244	145	33	5	52	2,541

<sup>1</sup> The Dallas district office has 45 special agents covering the northern and eastern judicial districts of Texas and the northern half of New Mexico. Posts of duty are located in Dallas, Ft. Worth, Lubbock, Tyler, all in Texas, and in Albuquerque, N. Mex.

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975
Cases recommended for prosecution.....	140	212	137
Cases declined.....	35	28	4
Indictments returned.....	84	158	78
Dismissal after indictment.....	10	22	4
Defendants pleading or found guilty.....	71	129	60

HOUSTON DISTRICT OFFICE ACTIVITIES, PERIOD COVERED JULY 1, 1972 THROUGH MAY 1975<sup>1</sup>

	Total cases	Arrests	Title I	Title II	Title VII	Title XI	Liquor	Application
Fiscal year 1973.....	226	206	111	90	14	5	6	786
Fiscal year 1974.....	261	233	134	79	45	2	1	570
Fiscal year 1975.....	183	169	116	45	20	1	1	234
Total.....	670	608	361	214	79	8	8	1,590

<sup>1</sup> The Houston district office has 43 special agents covering the southern and western judicial districts of Texas and the southern half of New Mexico. Posts of duty are located in Houston, Austin, San Antonio, Brownsville, and El Paso, Tex.

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975
Cases recommended for prosecution .....	267	278	160
Cases declined .....	75	67	57
Indictments returned .....	190	193	134
Dismissal after indictment .....	69	50	26
Defendants pleading or found guilty .....	138	129	116

NEW ORLEANS DISTRICT OFFICE ACTIVITIES, PERIOD COVERED JULY 1, 1972 THROUGH MAY 1975<sup>1</sup>

	Total cases	Arrests	Title I	Title II	Title VII	Title XI	Liquor	Application
Fiscal year 1973 .....	143	107	43	49	12	5	34	1,008
Fiscal year 1974 .....	207	159	72	74	43	1	17	889
Fiscal year 1975 .....	191	147	42	79	65	2	3	688
Total .....	541	413	157	202	120	8	54	2,585

<sup>1</sup> The New Orleans district office has 42 special agents covering the States of Louisiana and Arkansas. Posts of duty are located in New Orleans, Baton Rouge, Shreveport, all in Louisiana, and Little Rock, Taxarkana, and Ft. Smith, Ark.

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975
Cases recommended for prosecution .....	176	241	192
Cases declined .....	29	32	35
Indictments returned .....	127	214	151
Dismissal after indictment .....	14	45	27
Defendants pleading or found guilty .....	99	137	78

OKLAHOMA CITY DISTRICT OFFICE ACTIVITIES, PERIOD COVERED JULY 1, 1972 THROUGH MAY 1975<sup>1</sup>

	Total cases	Arrests	Title I	Title II	Title VII	Title XI	Liquor	Application
Fiscal year 1973 .....	162	124	52	64	7	8	31	1,217
Fiscal year 1974 .....	119	79	51	43	4	7	14	1,221
Fiscal year 1975 .....	69	59	38	20	3	5	3	932
Total .....	350	262	141	127	14	20	48	3,370

<sup>1</sup> The Oklahoma City district office has 31 special agents covering the States of Oklahoma, Colorado, and Wyoming. Posts of duty are located in Oklahoma City, Tulsa, and Muskogee, all in Oklahoma, Denver, Colo., and Cheyenne, Wyo.

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975
Cases recommended for prosecution .....	76	98	68
Cases declined .....	27	45	15
Indictments returned .....	66	86	67
Dismissal after indictment .....	4	17	5
Defendants pleading or found guilty .....	59	60	53

## Court action on criminal cases presented, period covered July 1, 1972 through May 1975

Number of cases presented .....	2,045
Number of cases declined .....	449
Number of indictments returned .....	1,548
Number of dismissals after indictment .....	293
Number defendants pleading or found guilty .....	1,129
Percentage of cases declined .....	22
Percentage of indictments obtained .....	76
Percentage of guilty actions .....	55

## FIREARMS SEIZED OR SURRENDERED TO ATF, PERIOD COVERED JULY 1972 THROUGH MAY 1975

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975
Dallas district.....	281	259	511
Houston district.....	164	193	435
New Orleans district.....	116	107	186
Oklahoma City district.....	78	126	377
Total.....	639	685	1,509

## CRIMINAL CASES PRESENTED ON LICENSED DEALERS IN THE SOUTHWEST REGION, PERIOD COVERED JULY 1972 THROUGH MAY 1975

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975
Dallas district.....	4	3	7
Houston district.....	2	13	13
New Orleans district.....	1	2	1
Oklahoma City District.....	5	4	4
Total.....	12	22	25

## SIGNIFICANT CRIMINAL PROGRAM (ARMED AND DANGEROUS), SOUTHWEST REGION

District	Number criminals identified	Criminal cases perfected	Active investigations
Dallas.....	25	7	13
Houston.....	73	28	16
New Orleans.....	40	12	17
Oklahoma City.....	64	13	23
Totals.....	202	60	69

*Firearms traces conducted for local officers, period covered July 1972 through May 1975*

Dallas district.....	1,607
Houston district.....	525
New Orleans district.....	1,006
Oklahoma City district.....	750
Total.....	3,888

*Criminal violation referrals made to State and local officers, period covered July 1972 through May 1975*

Dallas district.....	1,100
Houston district.....	101
New Orleans district.....	559
Oklahoma City district.....	303
Total.....	2,063

## TRAINING HELD FOR LAW ENFORCEMENT OFFICERS BY ATF DISTRICT OFFICES, PERIOD COVERED JULY 1972 THROUGH MAY 1975

	Number of schools held	Number attending
Dallas district.....	103	2,968
Houston district.....	161	6,506
New Orleans district.....	66	2,491
Oklahoma City district.....	530	4,403
Total.....	860	16,368



*Manpower requirements to conduct firearms/explosives application and compliance program—southwest region*

Number of firearms dealers.....	25, 018
Number of firearms manufacturers.....	827
Number of firearms importers.....	37
Total number of firearms licensees.....	25, 882
Number of explosives dealers.....	238
Number of explosives manufacturers.....	89
Number of explosives users.....	396
Total number of explosives licensees (does not include user limited permits not normally investigated by ATF).....	723
Annual turnover percentage.....	15
Number of special agents.....	172
Number of inspectors.....	41
Manpower available.....	213
Total square miles in southwest region (Colorado—104,247).....	762, 712
Average time to conduct licensee investigation:	
Application—firearms, 4 hours; explosives, 12 hours.	
Compliance—firearms, 6 hours; explosives, 8 hours. Plus 15 percent for travel.	

*Manpower requirements to conduct firearms/explosives application and compliance program—Colorado*

Number of firearms dealers.....	2, 197
Number of pawnbrokers.....	68
Number of collectors.....	76
Number of firearms manufacturers.....	113
Number of firearms importers.....	3
Total number of firearms licensees.....	2, 457
Number of explosives dealers.....	33
Number of explosives manufacturers.....	21
Number of explosives users.....	34
Total number of explosives licensees (does not include user limited).....	88
Total square miles in Colorado.....	104, 247

*Firearms licensees—Denver, Colo.*

Firearms dealers operating from:	
Commercial buildings.....	178
Residences.....	84
Total firearms dealers.....	262
Firearms manufacturers operating from:	
Commercial buildings.....	3
Residences.....	6
Total firearms manufacturers.....	9
Ammunition manufacturers operating from:	
Commercial buildings.....	10
Residences.....	4
Total ammunition manufacturers.....	14

Pawn brokers operating from:	
Commercial buildings.....	14
Residences.....	0
Total pawn brokers.....	14
Firearms collectors operating from:	
Commercial buildings.....	3
Residences.....	3
Total firearms collectors.....	6
Firearms importers operating from:	
Commercial buildings.....	2
Residences.....	0
Total firearms importers.....	2
Ammunition dealers only.....	0
Gunsmiths only.....	0
Importer—destructive devices.....	0

## PROJECT I STUDIES—SOUTHWEST REGION PAWN SHOPS AS SOURCES

	Dallas	Denver
Total handguns traced.....	517	154
Number with pawn shop as source.....	195	63
Percent of total traced.....	38	41
Total number Saturday night specials.....	254	52
Number of Saturday night specials with pawn shops as source.....	137	38
Percent of Saturday night specials with pawn shops as source.....	54	73

Mr. CONYERS. Just take a few minutes Mr. Harmon because we want to get Mr. Krogman on for some questions.

Mr. HARMON. Thank you Mr. Gaunt, Mr. Chairman, honorable committee members. My name is James Harmon and I am the Assistant Director for criminal enforcement in the southwest region of the Bureau of Alcohol, Tobacco, and Firearms. Our region has four enforcement districts located at Dallas, Houston, New Orleans, and Oklahoma City. Our staff for the region is a total of 172 special agents to cover the entire seven States. ATF special agents have the primary responsibility for enforcing the Federal laws relative to explosives, firearms, wagers and the illicit liquor in that priority order. Approximately 93 percent of our criminal enforcement efforts in the southwest region have been in the area of explosives and firearms control. During the 35 months, July 1972 through May of 1975 special agents in the southwest region submitted 2,045 firearms cases for criminal prosecution. Of these cases, Colorado, and predominantly in the Denver area, submitted 62 firearms cases effecting 32 arrests. In addition since July 1971 ATF has prosecuted approximately eight criminal cases involving explosives in Colorado. Our agents also materially assisted the State authorities in 78 bombing incidents, 9 armed robberies, 1 homicide. The 78 bombings are significant and a serious problem in this area; 1,559 firearms defendants were arrested by our agents and 2,833 firearms were either seized by or surrendered to our agents during this period. Additionally 16,307 investigations,

criminal investigations and inquiries were conducted by our agency personnel.

Mr. CONYERS. Do you have conviction statistics for those arrests?

Mr. HARMON. We have indictment statistics sir that tell us about 77 percent of those cases presented proceeded through the judicial system.

Mr. CONYERS. Of course the percentage starts to go down fast from indictments?

Mr. HARMON. Yes; they do. Our criminal enforcement approach has been one of selectivity and case worthiness. Our limited manpower coupled with crowded court dockets has forced us to concentrate on the more serious violations and persons who pose the most serious threat to public safety in our significant criminal program. This program concerns itself with the apprehension of commercially active armed and dangerous persons, and was instituted on November 1, 1974, since which 202 such criminals have been identified, 60 have been apprehended, 69 are under active investigation and 83 await investigation. As that list continues to grow 20 of these significant criminals are identified in Denver, 3 have been apprehended, 2 have received substantial sentences, the third awaits trial. Cases which cannot be prosecuted in the Federal courts are referred to local authorities for prosecution under State and local law.

ATF maintains a good working relationship with local law-enforcement agencies and render all assistance possible. In addition to direct investigative assistance ATF has conducted 860 police-training schools throughout other regions in such subjects as firearms identification, bomb-scene investigation, investigative techniques, law, search and seizure, and so forth. A total of 16,368 police officers, State and local, have been trained in our program. During the conduct of investigations within ATF jurisdiction, violations of State and local laws are frequently discovered. From July 1972, some 3,063 criminal matters were referred to State and local officials for local handling and disposition.

Tracing of firearms from the crime scene to the last known legitimate dealer is another form of States assistance which ATF offers local law-enforcement agencies. Gun traces totaling 3,888 has been conducted for law-enforcement groups since July of 1972. One such trace occurred in November 1974 when ATF in Denver worked on a trace of several guns dropped into the scene of a hospital robbery in Pocatello, Idaho where a special police officer was shot and killed. In only 5 hours sufficient information was obtained for the issuance of arrest warrants on two suspects. Less than 11 hours after the trace began the first suspect was arrested in Jefferson County, Colo. by local police and ATF agents. Several hours later the second suspect was arrested in Austin, Tex. by State and ATF officers. The only investigative lead into this crime was the serial numbers on the weapons.

Possibly the best known of our traces resulted in the identification of the New Orleans motel-top sniper by tracing the purchase of the rifle from Kansas to the suspect in New Orleans in a matter of some 27 minutes. On August 5 of the last year a trace for the Texas Rangers required laboratory restoration of mutilated serial numbers on three

handguns. This lead to the identification and arrest of four persons responsible for the smuggling of these arms to inmates in the Texas State Prison at Huntsville which had precipitated a serious prison break and seige during which two hostages were murdered, and two inmates killed. This entire laboratory and tracing process required only 36 hours.

Mr. CONYERS. I don't want to interrupt this recitation of heroic victories on the part of ATF. I know they are many and we could be here all day—

Mr. HARMON. Yes, sir.

Mr. CONYERS. Let's get down to the trace that you mention took 27 minutes. Just exactly how was that done? As Mr. McClory pointed out frequently there is great difficulty in tracing. First of all you had to get the weapon, right?

Mr. HARMON. That's correct.

Mr. CONYERS. So we couldn't do anything before the weapon was recovered? And after that you went where? To the manufacturer?

Mr. HARMON. We go down to the manufacturer of the firearm recovered at the crime scene. At this point the suspect is without identification and then we know not who he is or whether other persons are involved.

Mr. CONYERS. How does it happen that sometimes it takes weeks and sometimes it takes minutes?

Mr. HARMON. If the records are immediately available, well kept and well controlled it can be done very speedily.

Mr. CONYERS. In the hands of dealers?

Mr. HARMON. Yes, sir.

Mr. CONYERS. If the dealer happened to go out of the business or moved or died then we wouldn't have that report?

Mr. HARMON. Very true sir.

Mr. CONYERS. How good are the manufacturer's records? Counsel has asked me to bring that to your attention?

Mr. HARMON. They are good but quite voluminous.

Mr. CONYERS. Well, if a licensee keeps them in his basement and a little water from a rusty pipe happens to get on them that probably would impair their usefulness. Or, if it is in pencil and they happen to get old or somebody damages them accidentally we are turning on circumstances that frequently under the present regulations are beyond our control. I suppose that's the point I am working toward.

Mr. HARMON. Yes, sir, that's true.

Mr. McClory. Could I ask this question if the chairman would yield. It would be a very simple operation for the manufacturer when he is making out his records to merely forward a carbon copy to ATF for any agency; would it not?

Mr. HARMON. Yes, sir, any central repository.

Mr. McClory. And likewise with regard to the dealer instead, in addition to the dealer being required to keep the record to tear off the bottom, a carbon copy and forward it to any central gathering agency, State or city or Federal, it wouldn't make any difference and that record could be put on a computer and would be a very simple operation?

Mr. HARMON. Yes, sir, relatively simple.

Mr. CONYERS. I am going to recognize the Western Regional Director, if you have any concluding observations——

Mr. HARMON. You mentioned earlier during the testimony the prominence for instance of pawn shops and I have those details and specifics if of interest during the investigation and other than that and some of the current things we are doing I think I have nothing additionally.

[The prepared statement of James E. Harmon follows:]

#### STATEMENT OF JAMES E. HARMON

Mr. Chairman and honorable committee members, my name is James E. Harmon and for the past year I have been the assistant regional director for criminal enforcement in the southwest region Bureau of Alcohol, Tobacco, and Firearms at Dallas, Texas.

The southwest region of "ATF" has four criminal enforcement districts. The district office located at Dallas, Texas covers an assigned territory consisting of the northern and eastern judicial districts of Texas and the northern half of New Mexico. The Houston district office has jurisdiction in the southern and western judicial district of Texas and the southern half of New Mexico. The New Orleans district office covers the entire States of Louisiana and Arkansas. The Oklahoma City district office is comprised of the States of Oklahoma, Wyoming, and Colorado. Our region is staffed with a total of 172 special agents.

SW special agents are an average age of 36, and we have an average of 7 years service with ATF, and approximately 70% of these agents are college graduates. The remainder of the agents have some college and significant prior investigative experience.

ATF special agents have the primary responsibility for enforcing Federal laws relating to explosives, firearms, wagering, and illicit liquor in that priority order. The wagering program is relatively new to ATF and illicit liquor violations are on the decline. Approximately 93% of our criminal enforcement efforts in the SW region have been in firearms and explosive areas.

Violations of the Gun Control Act of 1968 fall into three general categories.

Title I provides for the regulation of traffic in firearms. These violations include illegal firearms sales by both licensed and unlicensed dealers; record falsification by licensed dealers, and false statements and identification furnished by firearms purchasers; violations by licensed dealers, consisting of knowingly selling to prohibited classes of persons; and deliberately falsifying sales records.

Title II provides for the control of gangster type weapons, which must be registered with ATF, to prevent accessibility by the criminal element. The most common violations involve the unlawful manufacture, possession, and transfer of unregistered sawed-off shotguns, explosive devices, and machineguns.

Title VII of the Omnibus Crime Control and Safe Streets Act (as amended by title III of the Gun Control Act) prohibits the receipt, possession, or transportation of firearms, in commerce, by convicted felons, and other prohibited persons such as the dishonorably discharged, adjudicated mental incompetents, persons who have renounced their U.S. citizenship, and illegal aliens.

During the 35 months from July 1972 through May 1975 special agents in the southwest region submitted 2,045 firearms cases for prosecution, which represented about 96% of all southwest region ATF cases presented for prosecutions. (Of the firearms cases, 900 (44.1%) were T-I violations, 688 (34%) were T-II violations and 246 (12%) were T-III violations).

Of the above mentioned cases Colorado, predominantly in the Denver area, submitted 62 firearms cases and effected 32 arrests, T-I=34, T-II=25, and T-VII=3.

In addition, since July 1971 ATF has perfected eight (8) criminal cases involving explosives in Colorado. Colorado special agents also materially assisted State authorities in 78 bombing incidents, 9 armed robberies and 1 homicide. The 78 bombings are a significant and a serious problem in this area.

One thousand five hundred sixty two (1,559) firearms defendants were arrested by ATF special agents in our region and 2,833 firearms were seized by or surrendered to our agency.

In addition, 16,307 investigations and inquiries, each of which required over 48 hours investigative time, were conducted by special agent personnel.

Our criminal enforcement approach has been one of selectivity and case worthiness. Our limited manpower coupled with crowded court dockets has forced us to concentrate on the more serious violations and on persons who pose the most serious threat to public safety in our significant criminal program. This concerns itself with the apprehension of commercially active armed and dangerous persons, and was instituted on November 1, 1974, since which 202 such criminals have been identified, sixty have been apprehended, 60 are under active investigation and 83 await investigation. The list continues to grow. Twenty of these significant criminals were identified in Denver. Three have been apprehended and two have received substantial State prison sentences. The third is awaiting trial.

Cases which cannot be prosecuted in Federal courts are referred to local authorities for prosecution under State or local laws. ATF maintains good relationships with other law enforcement agencies and renders as much assistance as possible. In addition to investigative assistance, ATF has conducted 860 police training schools throughout the southwest region, in such subjects as firearms identification, bomb scene investigations, investigative techniques, law, search and seizure. A total of 16,368 local and State police officers have received this training.

During the conduct of investigations within ATF jurisdiction, violations of State and local laws are frequently discovered. From July 1972, some 3,063 criminal matters were referred to State and local officials for local handling and disposition.

Tracing of firearms from the crime scene to the last known legitimate dealer is another form of States assistance which ATF offers local law enforcement agencies. Gun traces totalling 3,888 have been conducted for law enforcement groups since July 1972.

One such trace occurred in November 1974 when ATF in Denver worked on a trace of several guns dropped at the scene of a hospital robbery in Pocatello, Idaho where a special police officer was shot and killed.

In only five hours, sufficient information was obtained for the issuance of arrest warrants on two suspects.

Less than eleven hours after the trace began the first suspect was arrested in Jefferson County, Colorado, by police and ATF agents. Several hours later the second suspect was arrested in Austin, Texas by State and ATF officers. The only investigative lead in this crime was the serial numbers on the weapons.

Possibly the best known of our traces resulted in the identification of the New Orleans motel top sniper by tracing the purchase of the rifle from Kansas to the suspect in New Orleans in a matter of some 27 minutes.

On August 5 of the past year, a trace for the Texas Rangers required laboratory restoration of mutilated serial numbers on 3 handguns. This led to the identification and arrest of four persons responsible for the smuggling of these arms to inmates in the Texas State prison at Huntsville which had precipitated a serious prison break and seige during which two hostages were murdered, and two inmates killed. This entire laboratory and tracing process required only 36 hours.

Due to limited regulatory enforcement personnel our special agents are required to perform dealer qualification investigations which require a considerable amount of time away from criminal enforcement duties. Since July 1972, SW region special agents have conducted 10,086 investigations to determine persons qualified to deal in firearms.

Routine checks of firearms dealers to insure compliance with the law have been virtually impossible. To contact each new applicant plus each existing firearms and explosives licensee would require each available man to make an average of 144 contacts per year. To do so would consume 25,562 man days or require at least 100 men about 50% of staffing working full time on this alone.

A recent incident in the city of Dallas indicates the relative ease with which a person can comply with the Federal Gun Control Act requirements and be in violation of a local code. Responding to neighbors' complaints, city fire inspectors and zoning inspectors gave a federally licensed firearms dealer two weeks to close up his firearms business being conducted from his garage in a residential neighborhood.

Many licensed dealers within the region operate from garages and others have designated their basements, kitchens, and even bedrooms as the licensed premises.

Among firearms dealers listed in commercial buildings in Denver we find law offices, salvage yards, vet clinics, construction companies, moving and storage, carpet shops, taverns, doctors offices and even barber shops.

Special agents conducted over 300 investigations involving applications from persons convicted of crimes punishable by imprisonment for more than one year who were seeking relief from disability under the Gun Control Act. If the crime does not involve the use of a firearm and is not a violation of the Gun Control or National Firearms Acts, a felon may file an application for relief and, if granted, will allow him to acquire, receive, transfer, ship or possess firearms. The secretary is authorized to grant such relief when he is satisfied that the circumstances regarding the conviction, and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Local U.S. attorney's cooperation with our Bureau is excellent, the beneficial result of our combined effort is reflected in the fact that in the over 2,000 cases presented for prosecution, indictments were handed down in 77% of the cases.

In an attempt to make the maximum impact on crime with the resources available to us we have conducted several studies in the southwest region. For instance, a frequently debated question revolves around "where criminals get guns." In an attempt to separate fact from speculation so we could utilize our manpower where it would be most effective we attempted to trace all of the guns found in the possession of individuals arrested by local police in the cities of Denver, Dallas, and New Orleans over a 90-day period. Some interesting facts emerged. For example:

1. Gun thefts and burglaries are a significant problem. In over 7% of the instances sampled criminals were found carrying a stolen gun.

2. Most of the guns were relatively new. Nearly  $\frac{3}{4}$  were made since 1968 and  $\frac{1}{4}$  within the past year.

3. Nearly  $\frac{3}{4}$  were cheap and easily concealable. Almost half were "Saturday night specials."

4. Pawn shops as sources of crime guns appeared rather prominently with 38% of the guns traced in Dallas, 41% of the guns traced in Denver and 68% traced in New Orleans had pawn shop origins. Of these 54% were "Saturday night specials" by type in Dallas and 73% were "Saturday night specials" in Denver.

5. Over 75% of guns recovered by police during the sampling period, were traceable notwithstanding substandard record keeping compliance and unrecorded sales between individuals.

6. An average of only 15% of the firearms traced originated outside the State in which they were recovered.

The United States attorney in New Orleans and the district attorney office in New Orleans Parish have developed a unique and apparently effective method of coping with firearms offenses.

All local instances involving felons and firearms are reported by police to ATF who reviews the circumstances and evidence available. Where possible, ATF prepares a case for Federal prosecution or explains its limitations for Federal prosecution and returns it for State action.

The two prosecutors offices, State and Federal, are cooperating to insure prosecution of all firearms cases at the appropriate level. The plan has been in effect since May 1974 and results are presently being analyzed.

Another successful approach, in progress in our region, is the penetration and infiltration of criminal activities in high crime areas for extended periods exceeding six months by undercover special agents. The details of this technique, since its ongoing, is necessarily classified. Our method is effective but needless to say is personally dangerous and very expensive.

At the present time our region is conducting an in-depth survey in Texas and New Mexico contiguous to and along 1,500 miles of the Mexican border to determine the extent of firearm compliance in this remote and undermanned territory. One dealer, a grocery store, in a border city was discovered to have sold over 2½ million rounds of pistol ammunition in the past four months as the survey continues.

This is a brief summary of our duties, responsibilities, problems and the kind of enforcement activities we are experiencing in the SW region of ATF and I welcome your further inquiry.

Mr. CONYERS. Thank you very much for an excellent statement. Now the Western Regional Director Mr. John Krogman. Welcome, we have your statement and we would like to hear from you.

Mr. KROGMAN. Thank you Mr. Chairman. Members of the committee I am regional director for the Western region of the Bureau of Alcohol, Tobacco, and Firearms, U.S. Department of the Treasury. I am presently stationed in San Francisco. Our area is responsible for enforcement area conditions of 10 states including Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington; and now Guam.

Mr. CONYERS. How many men?

Mr. KROGMAN. We have 191 special agents, 111 regulatory inspectors. Our area encompasses approximately 40 percent of the land mass of the United States and we have in excess of 32 million people in this area. We also have, with the exception of tobacco factories, every type of legitimate business enterprise required to possess Federal permits under the laws and regulations assigned to ATF to administer and enforce. This includes inspections of approximately 300 licensed wineries. In the exercise of the Western region's regulatory responsibilities we collect three-quarters of a billion dollars annually in excise taxes. To administer the excise tax laws and regulations, regulate the liquor, industrial alcohol, firearms and explosive industries, as well as audit responsibilities under the wagering law we have only 111 inspectors who devote their time to these responsibilities. The effectiveness of the regulatory field force in carrying out ATF's responsibilities in those areas outside the distilled spirits industry is further reduced by law that make supervision by government officers of certain distilled spirit plant's activities mandatory. With 34 inspectors fully involved in distilled spirits plants supervision, only 60 inspectors are available to conduct the inspections and investigations that are absolutely essential to the proper regulation of the alcohol, tobacco, firearms, and explosive industries. Additionally, some of these officers will be periodically detailed to criminal enforcement to assist in the wagering tax enforcement.

Regulatory enforcement in the Western region assumed responsibility for the investigation of applications for Federal firearms licenses and the compliance inspection of Federal firearms licensees on February 1, 1974. Only 29 percent of the licenses are located in metropolitan areas. The remaining 71 percent are scattered over our 10-State area. The implication in terms of manpower, logistics, and operational trouble funds should give this committee some idea of our problems in meeting our responsibilities. As a result, regulatory enforcement has not been able to properly handle the firearms application inspection program. The bureau special agents assigned to the Western region are also responsible for other important bureau programs and functions that affect national and international arms movement. The "Guns to Mexico" project and the significant criminal program are vital operational programs in this area.

Mr. CONYERS. Will you describe those programs just briefly for our education.



Mr. KROGMAN. Well there is in the "Guns to Mexico" project; this is an effort on the part of ATF to stem the flow of firearms into Mexico by utilizing and enforcing the Gun Control Act.

Mr. CONYERS. They are not coming from Mexico?

Mr. KROGMAN. No sir; they are going the other way, we think in exchange for narcotics primarily.

Mr. CONYERS. How old is that project?

Mr. KROGMAN. Oh this is, I believe, about 2 years old.

Mr. CONYERS. Any notable successes in the vernacular?

Mr. KROGMAN. Yes, and we have—Mr. Turner has some examples which he intends to present to the committee to give you some specifics in this area.

Mr. CONYERS. Is it correct to assume that the problem in Guam is less difficult in terms of your enforcement than it is in the rest of the other 10 States?

Mr. KROGMAN. Guam at the present time does not have a special agent assigned. We go over there periodically, primarily to check the dealer, to make sure they are complying with the law. We go over there to assist the U.S. attorney upon request. It's primarily an importation or a dealer violation area.

Mr. CONYERS. Most of these dealers in other places we have checked are people who are gun enthusiasts who are taking advantage of wholesale discounts and other benefits that derive in almost a majority of the instances. Is that statement consistent with your understanding?

Mr. KROGMAN. Yes, sir; I believe that probably over 50 percent of the dealers now licensed are in that category.

Mr. CONYERS. So that a \$10 license which may cost the taxpayer as much as \$100 or perhaps more provides him with these benefits and all the information and literature published by ATF among other things?

Mr. KROGMAN. I would say that's a conservative estimate; yes.

Mr. CONYERS. Did you have any concluding statement? If not we could turn to your man, Mr. Turner, for his presentation.

Mr. KROGMAN. I do have one concluding statement. I'd just like to read the following message I received from Mr. Rex Davis before I left for Denver, and I think it would be of interest to the committee and I am sure you are aware of—

Mr. CONYERS. We always like to hear from Rex Davis.

Mr. KROGMAN. This is the message I received. The excerpt is from the President's crime message to Congress.

I have ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms which has primary responsibility for enforcing federal firearms laws to double its investigative efforts in the nation's ten largest metropolitan areas. This action will assist local law enforcement agencies in controlling illegal commerce and weapons. I have directed therefore that the Bureau of Alcohol, Tobacco and Firearms employ and train an additional 500 investigators for this priority effort.

And I would like to thank you and your committee for any support that you lend—

Mr. CONYERS. Well that sounds like a drop in the bucket from where we sit and maybe I shouldn't be asking this question and

maybe I won't, but I will put it on the record for surmise. Can we double our effort by increasing your inspectors by 500 men? That question is a part of our responsibility and we are going to be examining it carefully as we have the other ATF regions we have visited. We commend you gentlemen for your cooperation and for the Bureau's cooperation throughout the country in giving us perhaps the most definitive picture of your responsibility and an assessment of the tough job you must contend with. Now will the addition of 500 men really take care of the problem?

Mr. McCLORY. Would the chairman yield, please?

Mr. CONYERS. Yes.

Mr. McCLORY. According to everything we have heard while the guns are used in the cities, the cities for the most part have pretty strict requirements, and the problem as far as you are concerned is not there, it is out in the outlying area where they buy these guns and where the trafficking of guns originates, so to put all the men in the urban areas when the guns, illicit gun traffic is originating in the rural area, it would seem to me to be sort of restricted, and I think that's for us and for the President to think about, and I suppose, of course, as far as your operation is concerned in trying to reduce the amount of guns that reach the illegal market and the guns that reach the hands of criminals that we are trying to reduce or trying to control.

Mr. KROGMAN. I don't think it is a complete answer, Mr. Chairman, but I do think it is a beginning, something that's long been needed and certainly 500 at this time is very welcome.

[The prepared statements of Mr. Krogman and Mr. Turner follow:]

STATEMENT OF JOHN G. KROGMAN, REGIONAL DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION

Mr. Chairman and members of the committee: I am the regional director for the western region of the Bureau of Alcohol, Tobacco & Firearms, U.S. Department of the Treasury. The western region of the Bureau of Alcohol, Tobacco & Firearms is responsible for an enforcement area consisting of 10 states: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington, encompassing a land mass of 1,457,000 square miles, approximately  $\frac{1}{4}$  of the total area of the United States. The western region, in addition to having enforcement responsibility in the northern most city in the United States (Barrow, Alaska) and the southern most city, (Hilo, Hawaii) enforces our assigned statutes in Guam. All of this area is not farm land, or frozen tundra, or mountain or desert—although they are all included. The estimated population of the western region is over 32,000,000 persons.

We have responsibility and jurisdiction for the enforcement and regulatory administration of the Federal alcohol and Federal firearms laws, consisting of the Gun Control Act of 1968, the Federal explosives laws, consisting of the Explosives Control Act of 1970, and recently, the newly amended Federal wagering legislation, assigned for Bureau enforcement in December 1974. To enforce adherence of these five areas of Federal statutes in the western region, a total of 191 enforcement agents (special agents) are assigned.

We also feel that our regulatory enforcement situation in the western region is unique. We have, with the exception of tobacco factories, every type of legitimate business enterprise required to possess Federal permits under the laws and regulations assigned to ATF to administer and enforce. This includes

inspections of approximately 300 licensed wineries. In the exercise of the western region's regulatory responsibilities we collect three-quarters of a billion dollars annually in excise taxes.

To administer the excise tax laws and regulations, regulate the liquor, industrial alcohol, firearms and explosives industries, as well as audit responsibility under the wagering law. We have only 111 inspectors in the field.

The effectiveness of the regulatory field force in carrying out ATF's responsibilities in those areas outside the distilled spirits industry is further reduced by law that make supervision by Government officers of certain distilled spirits plant's activities mandatory.

During the past 12 months (exhibit 1), 34 inspectors have been detailed to perform statutorily required duties at distilled spirits plants. There are 106 distilled spirits plants in the western region, some requiring full-time supervision—all requiring periodic statutorily required supervision to the extent that the 34 officers cited were not available for other duties.

With 34 inspectors fully involved in distilled spirits plants supervision, only 60 inspectors are available to conduct the inspections and investigations that are absolutely essential to the proper regulation of the alcohol, tobacco, firearms and explosives industries. Additionally, some of these officers will be periodically detailed to criminal enforcement to assist in the wagering tax program.

The volume of activities for those inspectors not assigned to statutorily required distilled spirits plants duties is staggering. They conduct original application investigations related to the alcoholic beverage, industrial alcohol, explosives and firearms industries. They conduct on-site inspections and audits of these industries. Revenue audits, tax claims, consumer and trade practice complaints, compliance inspections of licensed firearms dealers.

Regulatory enforcement in the western region assumed responsibility for the investigation of applications for Federal firearms licenses and the compliance inspection of Federal firearms licensees on February 1, 1974. Neither at that time, nor since, have we received additional staffing to meet this new responsibility.

Exhibit 3 is of particular interest: only 28.8 percent of the licensees are located in metropolitan areas. The remainder, 71.2 percent, are scattered over 40 percent of the land mass of the United States. The implications in terms of manpower, logistics and operational travel funds should give this committee some idea of our problems in meeting our responsibilities.

Mr. Chairman, regulatory enforcement has not been able to properly handle the firearms application and compliance investigation program. Exhibit 4 shows that regulatory enforcement conducted 59.5 percent of the total application and compliance investigations during calendar year 1974 and the first quarter of 1975.

From July 1, 1974, through June 15, 1975, approximately 3,000 investigations have been initiated by special agents in the western region, the vast majority pertaining to firearms related investigations. During the past 2½ years, there have been a total of 948 criminal cases submitted for prosecution in the region. The vast majority of these cases have been related to enforcement of the Gun Control Act of 1968. Of these cases, a total of 152 cases have been perfected charging purchase or sales violations, 332 have been perfected charging possession, transfer or receipt of title II or "gangster" type weapons, 349 have been perfected charging possession or receipt of firearms by prohibited persons, and 23 have been perfected charging violations of the explosives statutes. 686 individuals have been arrested during this period of time for these violations.

The Bureau special agent assigned to the western region is also responsible for other important Bureau programs and functions that affect national and international movements. The *guns to Mexico project*, the *interstate theft project*, and the *significant criminal program*, are but three vital operational programs in this area. Mr. Turner will discuss these special programs in more detail during his presentation.

In some States within our region, such as Arizona, Idaho, and Utah, there are virtually no State firearms laws so that ATF is the only firearms law en-

forcement agency. In States such as California where the State firearms laws almost directly parallel the Federal statutes, we encourage our agents to initiate and perfect criminal cases for State as well as Federal prosecution.

In keeping in line with our primary responsibility to protect the public safety, we have established the investigation of explosive incidents as well as the illegal possession and transfer of explosives as a high priority.

I recognize that this committee is more concerned with firearms violations than explosives incidents, but I would like to briefly discuss this area for the purpose of giving you an idea of our total enforcement problem. Because explosives work is a high priority, it often takes away from the time our agents would otherwise spend on firearms violations.

The Federal explosives laws were created and assigned to ATF by title XI of the Organized Crime Control Act of 1970. The act requires the licensing of explosives dealers and manufacturers and prohibits the transportation and use of explosives in interstate commerce without appropriate Federal permits. The law also forbids the acquisition of explosive materials by certain classes of prohibited persons and provides severe penalties for the criminal misuse of such materials. ATF has primary jurisdiction in the enforcement of this act although it does share jurisdiction with other agencies under certain circumstances.

Given the tremendous number of explosive incidents which regularly occur throughout the western region as well as the large number of explosive thefts which occur contiguous with our extensive mining and construction industries, enforcement of the explosives laws mandates a large expenditure of our available manpower.

In our major metropolitan areas, we maintain trained agents who are experts in the investigation of explosive incidents. We have trained all of our agents as well as thousands of local officers in such techniques. In the San Francisco Bay area alone, we investigated some 70 major bombing incidents in the nine month period from July 1974, through March 1975. While many of these incidents require only a limited number of agents, some have required substantial manpower for prolonged periods of time.

ATF is also committed to participate and cooperate with the Department of Justice, organized crime strike force efforts in San Francisco and Los Angeles. These investigations involving violations within the firearms, explosives, liquor, or wagering laws are often extremely complicated and absorb a great deal of our time and resources. However, one of the strongest weapons in the ATF arsenal in our fight against organized crime is the recently reconstituted Federal wagering statutes which became effective last December. This law was subsequently assigned to ATF by Treasury Secretary William Simon. This law makes it unlawful to accept wagers without a \$500 Federal tax stamp. A two percent excise tax on gross wagers received is also imposed. In addition to the criminal penalties, these laws also contain provisions for assessments and civil penalties which offer a means to materially reduce organized crime's greatest single source of revenue. We have recently completed the training of our special agents in this new enforcement activity and have initiated enforcement of these laws on a national scale.

While recognizing that the primary responsibility for firearms control and enforcement lies at the local level, we also recognize that ATF can often play a vital role in protecting the public safety by initiating investigations and perfecting Federal criminal cases against major criminal figures whose apprehension is beyond the capability of local law enforcement's available resources. In November 1974, ATF initiated the significant criminal enforcement program.

This program does not place ATF above local law enforcement agencies in the fight against illegal firearms violators. It is a cooperative effort focusing attention on dangerous and substantial criminal targets in an effort to pre-identify these individuals as threats to society and if they are violating the Federal firearms or explosives law, arrest them and recommend prosecution. In selecting targets for our significant criminal enforcement program, we ask our agents to identify those persons in the community who are engaged in

major criminal ventures or whose prior record and reputation is such that they represent a continuous threat to the public safety. Organized crime figures, terrorists and habitually armed criminals would all fall into this category. By selecting only a small number of such targets, we can marshal our efforts to have a meaningful impact on street crime.

I have reviewed the firearms legislative proposal submitted by the Assistant Secretary of Treasury (enforcement operations and tariff affairs), submitted to your committee on June 9, 1975. In my opinion if this proposed legislation is enacted into law and incorporated as a part of the Gun Control Act, it would certainly enhance our over-all enforcement efforts and close major gaps in the existing law. This proposal would also materially assist in administering the regulatory provision of the Gun Control Act.

Mr. Chairman, this represents in general terms what ATF is doing in the western region. At this time Mr. Orville J. Turner who is the assistant regional director for criminal enforcement, has a prepared statement explaining our specialized enforcement programs which he would like to read to the committee and after his statement, both Mr. Turner and I will be pleased to answer any questions that you or the committee members may have concerning our presentation or any of the exhibits which were previously submitted to the sub-committee.

Thank you.

EXHIBIT NO. 1.—ATF—WESTERN REGION—DISTRIBUTION OF REGULATORY ENFORCEMENT FIELD PERSONNEL

State	Area supervisors	Officers in charge	Inspectors	Total	Statutorily required DSP duties <sup>3</sup>	Available for other duties <sup>4</sup>	Firearms licensees by State
Alaska.....	0	0	1	1			1,038
Arizona.....	0	0	0	0			2,178
California <sup>1</sup> .....	8	8	80	96			7,285
Hawaii.....	0	0	2	2			159
Idaho.....	0	0	0	0			1,295
Montana.....	0	0	0	0			1,645
Nevada.....	0	0	0	0			605
Oregon.....	0	0	3	3			2,236
Utah.....	0	0	0	0			1,351
Washington <sup>2</sup> .....	1	0	8	9			2,250
Total.....	9	8	94	111	34	60	20,042

<sup>1</sup> San Francisco area office (11 inspectors) also responsible for States of Nevada and Utah. Los Angeles area office, group A (12 inspectors) also responsible for State of Arizona.

<sup>2</sup> Seattle area office (14 inspectors) also responsible for States of Alaska, Hawaii, Idaho, Montana, and Oregon. Strength of 14 inspectors includes officers stationed in Alaska, Hawaii, and Oregon.

<sup>3</sup> Required under title 27 USC. Thirty-four inspectors for entire western region.

<sup>4</sup> Revenue, consumer product integrity, original application, drawback, claim, firearms, explosives and wagering inspection, and investigations. Sixty inspectors for entire western region.



EXHIBIT 3.—LICENSEES UNDER CHAPTER 44, TITLE 18, UNITED STATES CODE, IN THE WESTERN REGION AS OF  
JUNE 13, 1975

State	Metropolitan area	County	Total
Arizona	Phoenix	Maricopa	791
Do.	Tucson	Pima	345
California	San Francisco	San Francisco	83
Do.	Dakland	San Mateo	78
Do.		Alameda	273
Do.	San Jose	Contra Costa	175
Do.	Sacramento	Santa Clara	180
Do.	Los Angeles	Sacramento	224
		Los Angeles	1,015
		Orange	425
Do.	San Diego	San Diego	515
Hawaii	Honolulu	Honolulu	71
Nevada	Las Vegas	Clark	155
Oregon	Portland	Multnomah	494
Utah	Salt Lake City	Salt Lake	263
Washington	Seattle	King	528
Grand total			5,705

EXHIBIT 4.—INVESTIGATIONS OF FIREARMS LICENSEES CONDUCTED IN WESTERN REGION, ALL OF CALENDAR  
YEAR 1974 AND THE FIRST QUARTER OF 1975

	Conducted by criminal enforcement		Conducted by regulatory enforcement		
	Original application investigations	Compliance investigations	Original application investigations	Compliance investigations	Total
1974:					
January <sup>1</sup>					
February	78	6	243	48	375
March	81	9	311	63	464
April	116	11	242	72	441
May	158	37	211	49	455
June	253	12	119	18	402
July	140	6	150	37	333
August	172	18	130	20	340
September	153	32	117	29	331
October	137	14	143	26	320
November	92	10	144	27	273
December	91	15	173	46	325
Total	1,471	170	1,983	435	4,059
1975:					
January	31	22	239	86	378
February	61	34	212	89	396
March	46	9	312	80	447
Total	138	65	763	255	1,221

<sup>1</sup> Regulatory enforcement did not assume the program until Feb. 1, 1974.

The following excerpt is from the President's crime message to Congress:  
"Second, I have ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms, which has primary responsibility for enforcing Federal firearms laws, to double its investigative efforts in the Nation's ten largest metropolitan areas. This action will assist local law enforcement authorities in controlling illegal commerce in weapons. I have directed, therefore, that the Bureau of Alcohol, Tobacco and Firearms employ and train an additional 500 investigators for this priority effort."

STATEMENT OF ORVILLE J. TURNER, ASSISTANT REGIONAL DIRECTOR, CRIMINAL ENFORCEMENT, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION

Gentlemen: My name is Orville J. Turner, and I am the assistant regional director for criminal enforcement in the western regional office of the Bureau of Alcohol, Tobacco and Firearms.

A number of exhibits have been previously furnished to the sub-committee. My purpose in addressing you today is to make those exhibits meaningful to you. I want to do more than merely recite figures and statistics. Rather, I want to translate those exhibits into a vivid and clear picture of what has been taking place in the area of firearms enforcement in the western region.

The Federal firearms laws are enforced in the ten western States and Guam by a force of 191 criminal enforcement agents, dispersed through 28 field offices and managed by district offices located in San Francisco, Los Angeles, and Seattle. Given the limited number of available agents, we have decided to channel our efforts along specific lines in order to have any kind of significant impact. In the western region, and throughout ATF, the primary responsibility is to stress the enforcement of those laws which afford the maximum protection to the public safety. Accordingly, our agents are advised that their first priority is the enforcement of the Federal explosives laws and those firearms laws whose enforcement most greatly assures the safety of the general public. In line with this responsibility, we have concentrated our available resources in pursuit of firearms and explosives violations committed by persons and groups which represent substantial public threats rather than in the production of large numbers of criminal cases involving defendants whose arrest and conviction represents no significant effect on an already serious and growing crime problem.

This objective was recently formalized into the establishment of the significant criminal enforcement program. This program reinforces and institutionalizes the principle that we will pursue violations involving dangerous habitual offenders whose apprehension will make the streets safer in the community.

Once selected, the significant criminal target is investigated and identified fully. Progress reports on the investigation are closely monitored. In the first five months of the program, we opened 143 investigations involving significant criminal subjects and perfected criminal cases against 69 of them or 42.25%.

We have previously furnished you with exhibits which outline the number of cases perfected under this program in the first few months of its existence. We have also listed preliminary prosecution results from our Los Angeles district office where out of the 28 defendants recommended for prosecution, 16 have been indicted. In only two cases was prosecution declined and the remainder are awaiting prosecution action.

ATF has conducted the significant criminal enforcement program for only a short time. With the kind of results obtained so far, we anticipate that it will remain a vital part of our total enforcement effort in the western region for many years to come. To further illustrate the program's impact, I would recommend your attention to exhibit IIB which describes some of the individual cases perfected by our agents.

I would like to emphasize that the significant criminal enforcement program does not in any way usurp the authority of local law enforcement agencies in the field of firearms enforcement.

The primary burden of firearms enforcement must rest with the local police officer on the street as it is he, more than any other person, who is in most frequent contact with the armed criminal element. For obvious reasons, the vast majority of firearms violations are prosecuted at the State rather than the Federal level. Title I of the Gun Control Act was entitled by Congress as the State Firearms Control Assistance Act and its preamble clearly recognizes the sovereignty of State firearms laws. ATF is committed to the assistance of local jurisdictions in their fight against firearms violators.

I think that a few figures may be in order. From July 1973, through March 1975, a total of 12,472 local officers in the western region were trained by our agents in such diverse subjects as the investigation of explosives incidents, the recognition and identification of explosive materials and prohibited weapons and the utilization of surveillance techniques. A total of 1,880 ATF man-hours were expended in this worthwhile effort. With the enactment of the Gun Control Act and the creation of our firearms tracing service in ATF headquarters, we can now offer our tracing capability to all enforcement agencies so that an obvious investigative lead is no longer blocked by a State border. In addition to the trace of firearms, ATF, as a national enforcement agency, is able to pursue the trace of firearms into other regions and States with followup investigations and direct interviews of firearms purchasers. In 1974, we traced over 3,800 firearms at the request of local agencies throughout the western



region. A breakdown on those traces is contained in exhibit in States such as California where the State firearms laws almost directly parallel the Federal statutes, we encourage our agents to initiate and perfect criminal cases for State as well as Federal prosecution. We recently concluded a ten month investigation in Phoenix in which our agents, working with local police, perfected State and Federal violations against a total of thirteen suspects. Our agents purchased illegal weapons and silencers as well as stolen property and motorcycle parts from this group. While most of our cases in this area are not as extensive, this typifies the spirit of cooperation which we require of our agents.

During the past year the Bureau's project identification was conducted in three western region cities; Oakland, California; Seattle, Washington; and, Los Angeles, California. These 90 day projects were conducted with the full cooperation of three respective police departments in the above listed areas, and with the exception of the Los Angeles project, is complete at this time. A breakdown of the results are included as exhibit VII for your review.

To help you more fully appreciate the criminal enforcement picture in the western region, I would like to briefly discuss some of the major enforcement problems peculiar to this region. We have already furnished you with exhibits describing specific criminal cases which reflect both our general enforcement duties and cases which deal with the specific enforcement problems.

By making explosives violations our first priority, we have mandated a tremendous amount of available manpower to this area which would otherwise be utilized to pursue firearms violations. The western region, and particularly California, experience a disproportionate number of bombings and explosive incidents annually. In fiscal year 1974, our Los Angeles agents investigated in excess of 70 such incidents. In 1974, California led the Nation with 441 explosive incidents on a State wide basis while the second leading State experienced only 110 explosive incidents. To meet this situation, we have trained all of our agents, as well as thousands of local officers, in explosive investigation techniques. In major metropolitan areas, we have specially trained squads who assist outlying posts in major investigations. These investigations devour tremendous amounts of manpower. In exhibit II-A we discuss some of the major explosives incidents which have occurred in this region.

One of the enforcement problems peculiar to the western region is the existence of militant/terrorist groups which use violence as a propaganda tool. I should make it understood that ATF is not an intelligence gathering agency, and, as such, does not investigate militant groups per se. Rather, our agents pursue investigations involving individuals who may be members of such groups only when they have information that such persons are violating firearms and explosive laws in such a manner as to pose a threat to the public safety.

Among our accomplishments in this area, we have identified and successfully prosecuted persons who supplied arms and ammunition to the extremist Black Liberation Army in San Francisco and throughout the country. We also assisted State and local authorities in securing evidence used in the successful prosecution of SLA members Russell Little and Joseph Remiro for the murder of Oakland school superintendent Marcus Foster in November 1973.

Historically this country has experienced a flow of firearms from the United States into the Republic of Mexico. In recent years this trickle has become a major flood, and intelligence sources indicate that it is increasing at an alarming rate. We have received urgent requests for assistance from law enforcement officials in the Republic of Mexico to help curb this serious problem which poses a dangerous threat to the safety and well being of citizens of both countries.

The primary incentive for the movement of arms and ammunition across the border has traditionally been the strict control and subsequent scarcity of such items in Mexico. Possession and sale of firearms are strictly controlled in Mexico and primary jurisdiction there lies at the Federal rather than State or local level. Because of this stringent control through legitimate channels, a lucrative black market in firearms has developed over the years as firearms can be sold in Mexico at from two to three times their retail value in this country.

The problem has been aggravated in the past five years with the proliferation of revolutionary/terrorist groups throughout Latin America and Mexico. These groups have actively sought access to American made weapons and explosives and have continued to show a preference for American made firearms over

European and communist block weapons as American weapons, ammunition and parts, are more easily replaced.

As Mexico is an important source for illegal drugs and the lucrative black market in firearms which has traditionally existed in Mexico, narcotics traffickers from the United States are increasingly being required to use firearms and ammunition as the method of payment for narcotic shipments.

To combat this danger, ATF initiated its guns to Mexico project in 1973. The primary purpose of the program is the identification and prosecution of those persons who are supplying firearms in violations of the law as well as the interception and arrest of the arms carriers themselves. To achieve these goals in the western region, we have effected a close working relation and exchange of information with Mexican law enforcement authorities. The direct exchange of information, which was not previously available, has resulted in the identification and arrest of arms carriers on both sides of the border. In many cases where Mexican authorities have furnished complete descriptions of those firearms seized in their country, we have been able to perfect criminal cases against firearms dealers who have cooperated with the arms smugglers by falsifying records required under Federal statute. Our efforts in this area have been region wide as we have found cases where firearms have been transported to Mexico from as far away as Alaska and Washington as well as from outside the region. The bulk of our enforcement problem however, lies along the States bordering on Mexico. Our agents in Phoenix, Tucson, San Diego and the greater metropolitan Los Angeles area have vigorously pursued such investigation with significant results in some cases. A lack of manpower has been the major deterrent to our effort. However, we have only five special agents in our Tucson post of duty and six in the San Diego post of duty both of which are our closest border stations and have borne the brunt of this enforcement problem.

ATF's primary jurisdiction in this area involves enforcement of the Gun Control Act of 1968 which requires that firearms dealers must be licensed and maintain accurate and complete records. With certain exceptions, firearms purchasers must be legal residents of the States in which they are purchasing. Illegal aliens and convicted felons are prohibited from the purchase and interstate transportation of firearms. However, the primary jurisdiction for the illegal exportation of firearms lies with the Bureau of Customs which enforces the neutrality statutes. We have established working relations with that agency to confront this common problem and have successfully completed several joint investigations. In these investigations, ATF's role is that of documenting violations of the Gun Control Act and other Federal firearms statutes which are violated concurrently with violations of the neutrality statutes.

We have perfected in excess of 25 criminal cases in this area in the past two years. Some of the major cases are included in exhibit. One of the major enforcement problems encountered in the western region is the existence of outlaw motorcycle gangs such as the infamous Hells Angels which originated in California and then spread throughout the rest of the country. Today these groups seldom engage in the kind of senseless violence often attributed to them in the past. While many have interpreted this lack of open lawlessness to mean that these groups have reformed or at least tempered their vicious natures, nothing could be further from the truth.

The truth is, in fact, even more ominous. These groups have utilized their basically clandestine and ruthless natures to establish and operate narcotics distribution rings. They have become involved in such diverse criminal enterprises as the counterfeiting of Federal currency and the operations of fencing rings involving stolen firearms, jewelry, and other expensive articles. Evidence developed by State and Federal agencies in recent years strongly suggests that these groups have become affiliated with organized crime elements anxious to obtain a foothold in the western region and eager to recruit "soldiers" with a proven record of brutality.

A brief description of two such investigations reflects our efforts in this area. In northern California, one of our agents was able to infiltrate a gang and remain a member for over one year. As a result of this extensive undercover investigation, the agent was able to perfect a total of 21 criminal cases involving over 24 individual defendants. Six of the cases involved the sale of narcotics while the remainder involved the purchase of explosives, assembled bombs and illegal firearms. In addition, the agent referred information of some 70 other crimes to local and State agencies.

In Los Angeles, our agents perfected 10 criminal cases involving the sale and possession of illegal weapons and explosives. They arrested and convicted the president and vice president of one of the gangs and narcotics officers were also able to perfect State narcotic cases against some 35 defendants. From information developed by our agents, local officers arrested subjects responsible for over 400 residential and commercial burglaries.

I know that you have received a tremendous amount of input from a variety of sources, and I would like to offer whatever assistance you may require in your study of a complex and troublesome issue.

Thank you.

## EXHIBIT I

### TITLE I

#### *Dealer violations*

ATF Special Agents received information that an East Los Angeles firearms dealer was knowingly selling firearms to convicted felons and other persons prohibited from purchasing guns. An investigation showed that the dealer and his two sons were falsifying federal purchase forms, knowingly selling to prohibited persons and knowingly selling firearms destined to be shipped and transported into Mexico. Over fifty firearms were purchased or seized and all three persons involved in the dealership were arrested and indicted. One of the sons entered a plea of guilty and a mistrial was declared on the father and other son, who are to be retried. A major source of firearms to felons and of firearms to Mexico was eliminated by this investigation.

ATF Special Agents received information that a San Diego area licensed dealer was selling automatic firearms. Investigation showed that the allegations were true and an undercover purchase of two automatic firearms (an M-16 and an M-3 grease gun) were made. The dealer was subsequently arrested and convicted in Federal court of firearms violations, as well as in state court of possession of stolen property.

ATF Special Agents, working in an undercover capacity, contacted a licensed dealer and purchased a total of 10 firearms from the dealer. The dealer attempted to recruit the undercover Special Agent to make a "hit" for him (the dealer). At the time of arrest, a total of 36 firearms were seized from the dealer, as well as an unregistered machine gun. The dealer was tried and convicted in Federal Court of records-keeping violations, as well as possession of unregistered machine guns.

#### *Purchase Violations*

ATF Special Agents discovered a convicted felon who had purchased several firearms in the Los Angeles area and had falsified federal firearms forms. A warrant was obtained for his arrest and investigation revealed that the individual was a resident of New York. When ATF Special Agents arrested the individual in New York, a total of 15 firearms were seized, several of these reported stolen. Further investigation proved that the suspect had shot and wounded a New York City policeman during a burglary attempt. The suspect was convicted and sentenced for the shooting and is presently in jail in New York.

On September 17, 1974 one suspect was arrested at the Tijuana border crossing point with seven high power rifles. The suspect, a previously convicted felon, had purchased the weapons from a firearms dealership in Anaheim, California and planned to take them to Mexico for sale.

In March 1973 our agents in San Francisco arrested a major cocaine smuggler when their investigation revealed that he had purchased two firearms from a local firearms dealer using an assumed name. The man, a previously convicted felon, had purchased the weapons for use in his narcotics trafficking activity.

#### *Tracing*

ATF Special Agents, at the request of the San Francisco Police Department, attempted to trace a .32 caliber automatic, after the San Francisco Police had recovered the firearm near the scene of a murder. The firearm was linked ballistically to nine murders and six attempted homicides in the San Francisco Bay area. The weapon was traced from the manufacturer, to an importer, to a dealer in Washington State. From there, the firearm was traced, in a 24 hour period, to Santa Barbara, California, to Boulder, Colorado, back

to Santa Barbara, to a religious commune in Mendocino County, California. When ATF Special Agents contacted the purchaser, he identified a convicted felon, who was also a State of California fugitive, to whom he had given the firearm. An intensive three month search, centered in the Los Angeles area resulted in the apprehension of the suspect by ATF Special Agents on the island of Maui, Hawaii. The suspect admitted giving the firearm to another convicted felon, who, when contacted, admitted giving the firearm to an associate. The associate, when contacted, admitted selling the firearm to another convicted felon. The last convicted felon refused to cooperate and died of natural causes before revealing his disposition of the gun. An individual then came forward and admitted purchasing the firearm from the deceased individual and selling it to one of the prime suspects in the murder investigation. Four suspects are presently on trial for these murders.

## TITLE II

### *Manufacture*

ATF Special Agents, working in an undercover capacity, developed information that a subject wanted in the state of New York for armed robbery, was located in the Orange County, California, area, engaged in the business of manufacturing silencers. A total of four silencers were purchased from the suspect and nine other silencers were ordered. Upon delivery of the nine silencers, the suspect was arrested. He was convicted in Federal Court in Los Angeles and sentenced to five years in prison.

ATF Special Agents developed information that a major narcotics supplier in the San Diego area was purchasing arms and ammunition to carry into Mexico to trade for narcotics. Intensive surveillance revealed that the subject, later identified as a convicted felon, appeared to be engaged in large scale purchases of ammunition. The suspect was apprehended at the U.S. border at Calexico, California, and six fully automatic carbines, three handguns, and 8,500 rounds of ammunition were seized. The suspect is pending trial at this time.

An investigation in the San Jose area resulted in the arrests of three subjects who were manufacturing pipe bombs in a bomb factory for sale to undercover Special Agents.

Special Agents, working in an undercover capacity, purchased 22 bombs from a suspect in the Los Angeles area. Upon his arrest, a bomb factory was located in his home, approximately yards from an occupied school. The neighborhood had to be evacuated and the explosive material removed.

## EXHIBIT II(a)

### EXPLOSIVE INCIDENT INVESTIGATIONS

The following are some significant explosives incidents investigated in the Western Region:

In January, 1972 Ronald Stanley Kaufman attracted national attention when he wrote letters to various nationally circulated newspapers advising them that he had placed explosive devices in nine different banks located in San Francisco, Chicago and New York. The bombs had been placed in safety deposit boxes rented by Kaufman under different assumed names. Kaufman had been affiliated in the past with radical figures such as Abby Hoffman, one of the original Chicago Seven defendants. What Kaufman did not realize was that one of the devices had prematurely detonated in September, 1971 and that San Francisco agents had been able to obtain a single fingerprint from the application card he had completed in order to rent the safety deposit box. Once the other devices were recovered and a connection was definitely established between the first device and the other bombs, the fingerprint was furnished to the FBI for comparison and Kaufman was eventually identified. He remains a fugitive to this day.

In May, 1974 Judge James Lawless of Pasco, Washington was killed when he opened a package addressed to him at this office. Six agents from our Seattle office flew to Pasco to assist in the investigation. The agents worked for three days and succeeded in recovering a substantial amount of the device as well as the wrappings from the package. A single fingerprint was found on the wrappings. The print later proved to be that of the suspect who was arrested

in connection with this case. The suspect is currently awaiting trial on state murder charges.

In April, 1973, a munitions train caught fire in a train switching yard in Roseville, California. The train was carrying bombs for delivery to naval supply depots in the San Francisco Bay Area, and its subsequent detonation destroyed the rail yard and caused tremendous damage to surrounding areas although no human lives were lost. ATF was requested to assist in the investigation. During the first week, from six to nine agents worked at the scene on a daily basis. Two agents worked on the investigation on a continuous basis for three months and finally determined that the incident had been caused by a faulty brake line which had started a fire in one of the transport cars. Our agents were commended for their efforts in a joint resolution of the California state legislature and also received a letter of commendation from the Chief of Naval Operations.

In August, 1974 an explosive device was detonated in a rental locker near the Pan American World Airways ticket counter at the Los Angeles International Airport. Two persons were killed at the scene and approximately forty persons were taken to the hospital with wounds ranging from lacerations to dismemberment. One later died from the inflicted injuries. Another person also died from a heart attack incurred at the time of the explosion. A total of three hundred local officers as well as FBI agents and ATF agents responded to the scene of the explosion. A conference among the respective supervisory officials resulted in a decision to ask ATF to conduct the bomb scene investigation.

Two agents and a criminalist from the Los Angeles Police Department removed three and a half tons of material from the scene and sifted through the debris for almost five weeks. They recovered eighty-five percent of the device and reconstructed the locker where the device had been placed. Additional agents assisted local police in the investigation.

Our agents particularly assisted in the investigation through our Liaison Office in Washington which utilized Interpol to locate and interview several persons who had rented lockers at the airport and were then at overseas locations.

The suspect, calling himself Aliens for America began to send tapes and written communiques to various news media outlets in the Los Angeles area and became known through the media as the "Alphabet Bomber". Through an analysis to the tape contents and investigation by the three involved agencies, the suspect was arrested while placing a tape in a telephone booth drop point. Our agents accompanied local police in the search of the suspect's residence and recovered several explosive and incendiary devices as well as other explosive materials. The suspect was charged with murder in state court and is presently confined at a mental institution until he can be deemed as mentally competent to stand trial. A case recommending federal prosecution for explosive violations has been prepared by our Los Angeles office and forwarded to the United States Attorney for action pending the outcome of state prosecution.

#### EXHIBIT II(b)

##### SIGNIFICANT CRIMINAL ENFORCEMENT PROGRAM

A recent case involved a man previously convicted of sixteen armed robberies in the San Francisco Bay Area. The man served a substantial state prison sentence and then returned to the street to renew his affiliation with criminal elements in the Sacramento Area. The subject was investigated by a variety of local and state agencies who suspected, but could not prove, his involvement in armed robberies in that area. Investigation by our agents involved the purchase of a firearm by the suspect shortly after his parole.

Another investigation by our agents in Idaho involved a man who was suspected of murder in Kentucky and was also known to operate a large scale burglary and fencing ring in Idaho. As in the previous case, there was insufficient evidence to obtain state prosecution on any of the offenses in which he was involved. Our agents managed to prove that he received a firearm and initiated his prosecution in federal court.

In a major case, we arrested a man in San Diego for the sale of two machine-guns to a confidential aide. The man was suspected of the murder of his own wife and had also owned and operated a firearms dealership in that area for

a number of years. Several local agencies had attempted to perfect criminal cases against him but had not been successful until our arrest. He is currently awaiting trial on our charges.

In one of our more involved investigations, agents from our Santa Ana office prepared a criminal case charging the suspect with twelve counts of federal firearms violations. They obtained an arrest warrant for the suspect with bail set at \$150,000. Their investigation also revealed that the suspect was responsible for the armed robbery of the Los Angeles pawn shop in which several firearms were taken. A week long surveillance resulted in the capture of the suspect's crime partner and the recovery of some of the stolen firearms. The partner also proved to be wanted for armed robbery from Davenport, Iowa.

Our San Francisco office developed information from a confidential source that a subject was smuggling firearms to Mexico and bringing illegal aliens back into the country. Further investigation revealed that the suspect operated a large scale fencing ring in a rural county north of San Francisco and that he had an established reputation for violence in that area. He had been arrested a number of times on assault related offenses but had been able in each case to coerce the victim into dropping charges. Our agents discovered that the suspect had sustained a felony conviction under a fictitious name and also uncovered the purchase of firearms by the suspect in a local firearms store. Charges are pending.

#### EXHIBIT II(c)

##### LOCAL ASSISTANCE CASES

The following cases illustrate our continuing commitment to assist local law enforcement agencies in the performance of their duties:

In 1971, a series of bombing incidents occurred in both Oakland and Berkeley, California. The principal targets were banks and lending institutions. Investigation by local officers resulted in the identification of two suspects who had been purchasing pipe materials from local plumbing supply houses. The suspects fled the area when they learned of police interest in their activities. In their haste to leave, the suspects abandoned their apartment and left behind a single can of putty which they had stored beneath the sink in their kitchen. Because of its storage location, this putty had been exposed to unusual trace elements. A neutron activation analysis conducted by our laboratory in Washington proved that these elements matched the same trace elements found in the putty which had been used to seal the thread of the pipe bombs used in the bombings under investigation. As a result of this examination, along with other information assembled by local officers with ATF assistance, indictments were returned on both suspects. One was arrested, eventually made bail and fled, presumably to join the other who remains a fugitive to this day.

While this case is a spectacular example of the use of our laboratory by local officers, it should be emphasized that our laboratory regularly conducts similar examinations for gunshot residue in homicides and similar offenses. Expert witnesses from our laboratory staff testify in state court on their examinations and do so at no expense to the jurisdiction involved.

In November, 1974 two gunmen entered a hospital in Pocatello, Idaho for the purpose of committing an armed robbery. They subsequently killed a hospital security guard and wounded a local officer. The only evidence were two firearms abandoned by the suspects at the scene. At the request of local officials, we traced the firearms to Denver where intensive ATF investigation resulted in the identification and arrest of three suspects. This case is typical of the service we furnish to local agencies on a regular basis.

#### EXHIBIT II(d)

##### ORGANIZED CRIME PROGRAM

The following cases involve organized crime prosecutions:

In April, 1973 special agents in our San Francisco office received information from a reliable informant that two subjects who had been identified as "hit men" for organized crime elements in Nevada and elsewhere, were in possession of silencers, hand grenades and firearms. Both men had extensive criminal records and one was awaiting a decision from the federal appeals court on a previous federal felony conviction. Both men were linked by federal

and state law enforcement authorities to a number of gangland killings although no criminal charges were ever brought. Through the use of surveillance techniques as well as undercover work and the utilization of a confidential aide, the agents managed to purchase a silencer, hand grenade and firearms from the two men. Both were arrested, indicted, and sentenced to substantial terms in federal prison. One was also sentenced under the Dangerous Special Offenders provisions of 18 USC, Section 3575 which resulted in a sentence of twenty-five years.

In 1973, agents in our Los Angeles office managed to purchase two silencers from an organized crime figure in Las Vegas. The man was arrested and convicted with a prison sentence of ten years imposed. The agents then pursued the matter further and identified the source of the silencers and managed to make additional purchases from that subject with his resultant arrest and conviction.

In another case, a surveillance of a major organized crime member was initiated when that man, a convicted felon, moved his residence from Rochester, New York to Phoenix, Arizona. He was arrested one day after arriving in Phoenix and several firearms were seized. The man was later convicted and sentenced to a jail term.

In a final case, agents from our Sacramento office succeeded in meeting with a known enforcer for organized crime leaders in Nevada and Hawaii. The agents, posing in an undercover capacity, were able to purchase quantities of firearms and assembled pipe bombs from this suspect and his associates at deserted locations in Nevada, California and Arizona. The suspect, as well as his source of supply, were arrested, convicted and sentenced to substantial jail terms.

#### EXHIBIT II(e)

#### MILITANT/TERRORIST GROUPS

The following are some significant investigations involving militant/terrorist subjects:

From 1970 through 1974, persons associated with the Black Liberation Army carried out a series of acts in both San Francisco and New York ranging from the assassination of police officers in both cities to the robbery of banks and at least two attempted bombings of police stations. Local police in both cities were able to identify and eventually convict many of the members of this small but highly active organization. Their investigations showed these people to be heavily armed with a variety of weapons and also revealed extensive travel on their part from New York to San Francisco as well as to other cities such as Salt Lake City, Atlanta and New Orleans. Our agents in San Francisco discovered purchases of firearms and ammunition by two female subjects using fictitious names and utilizing, in one case, an address known to be associated with the Black Liberation Army. An extensive investigation resulted in the identification and indictment of both women in San Francisco. In effecting the arrest of one woman, the agents recovered evidence proving that she had produced false identification documents for many BLA fugitives. Further investigation of the materials recovered incident to these arrests resulted in the indictment of a BLA leader in San Francisco who had purchased firearms under fictitious names in California and Arizona despite five prior felony convictions, including the attempted murder of police officers.

With the arrest of other BLA members in New Orleans and Georgia, our agents established that one of the women had purchased a total of seventeen firearms in five different states using five different fictitious names with the weapons subsequently recovered in bank robberies and also in the possession, for the most part, of wanted fugitives. All three were convicted in San Francisco following separate trials and were sentenced to prison.

In a separate investigation, agents from our San Jose office discovered the purchase of firearms in that area under assumed names. The agents identified the purchasers and further established that one of the suspects was responsible for the robbery of a New York bank. The suspects were then identified as being involved in the purchase and movement of some fifteen firearms from San Jose to New York for use by members of the BLA in assaults on police officers there. Quick action by our agents resulted in the arrest of one suspect and the recovery of some of the weapons. A second suspect was subsequently indicated and apprehended in Canada. He is still awaiting trial.



In November, 1973 local police arrested three subjects in a motel room in Berkeley, California while the three were apparently planning a robbery. All three utilized fictitious names and were heavily armed. Our assistance was requested, and we eventually identified the three subjects as convicted felons who had previously been involved in police ambushes in Los Angeles as part of a terrorist group. The investigation was referred to our Los Angeles office for investigation. Firearms violations involving the purchase of firearms by these subjects under fictitious names were uncovered. Two of these men were eventually charged, convicted and sentenced to prison.

A small group of fanatics calling themselves the Symbionese Liberation Army embarked on a series of criminal acts in both San Francisco and Los Angeles which attracted almost constant national attention from November, 1973 until the demise of most of the members in Los Angeles on May 17, 1974. Agents from our San Francisco, Sacramento, Oakland and Los Angeles offices all assisted local agencies in the investigation of this group's activities. Our Oakland office documented firearms purchases by members and suspected members for use by the Alameda County District Attorney's Office which prosecuted SLA members Russell Little and Joseph Remiro for the murder of Oakland School Superintendent Marcus Foster. Our Los Angeles office traced all of the firearms recovered from the scene of the SLA shootout and furnished the resultant information to local authorities in both Los Angeles and Alameda County. As a result of those firearms traces, one man was later indicted and convicted in federal court in Sacramento, California when one of the weapons proved to have been purchased from a licensed firearms dealer in Stockton, California by a man from Kentucky fraudulently using a copy of a Federal Firearms License. One of our agents from Los Angeles testified as an expert witness at the murder trial of Russell Little and Joseph Remiro in Sacramento.

#### EXHIBIT II(f)

#### GUNS TO MEXICO

The following selected cases reflect the nature of this enforcement problem :

On September 11, 1974 four subjects entered a plea of guilty in the federal court in San Diego, California on firearms charges. All admitted to falsification of required federal records at their firearms dealership in San Diego, California. The store was a major source of firearms to Mexico and the owners were knowingly selling to arms smugglers and falsifying their records to cover the sales which were in violation of federal law.

On October 11, 1974 ATF agents in Van Nuys, California observed a subject purchasing large quantities of ammunition from a firearms dealer in that city. Surveillance of the suspect by ATF and Customs agents resulted in his arrest on January 2, 1975 while crossing the border at El Paso, Texas with some 11,000 rounds of ammunition secreted in the vehicle.

On February 6, 1973 we concluded a five month investigation with the arrest to two subjects crossing the border at Calexico, California with eleven firearms and 5,000 rounds of ammunition. The suspects admitted to ten prior trips across the border. A total of seven persons were indicted and over seven tons of marijuana were later seized from a Mexican merchant ship in Los Angeles.

In June, 1974 our Phoenix agents obtained information from a confidential source which they relayed directly to Mexican authorities resulting in the arrest of one suspect and the seizure of almost 300,000 rounds of ammunition.

On February 18, 1975 two subjects were convicted of conspiracy to illegally export firearms in federal court in San Diego, California. The two men owned and operated a firearms dealership in San Ysidro, California and conspired with several Mexican nationals to sell firearms to them for exportation. Both men falsified their records to cover the sales. One was subsequently sentenced to a term of six months in prison while the other fled before sentencing and has not yet been apprehended. One of the unique aspects of this case was the use of a Mexican Army Lieutenant as an undercover operative posing as a firearms buyer.

On October 11, 1973 one suspect was arrested by the Arizona Highway Patrol for traffic violations. Investigation by ATF revealed that the suspect was part of an organized group which regularly transported firearms from Arkansas



to Mexico where they exchanged the firearms for narcotics. Three other subjects were arrested at border crossing points with additional weapons seized. Two pounds of pure cocaine were also seized. The defendant admitted to meeting with a large group of revolutionaries in Mexico while exchanging the firearms.

One of the major cases perfected in this area involved the large scale exportation of firearms for use by a marxist guerilla group in Nicaragua. The group was supplied by a Nicaraguan/American support organization operating in California. A constant two month surveillance by ATF agents in Los Angeles was culminated on November 15, 1974 with the arrest of five men and the seizure of sixty-six rifles at the border. All defendants were sentenced to substantial prison terms.

## EXHIBIT III

## BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION, SIGNIFICANT CRIMINAL ENFORCEMENT PROGRAM FROM NOVEMBER 1, 1974 TO APRIL 30, 1975

Post of duty	Targeted to date	Recommended for prosecution	Comments
<b>LADO:</b>			
Los Angeles.....	8	6	
Oxnard.....	7	5	
Phoenix.....	15	9	
San Bernardino.....	4	1	(1 removed when sentenced under State law).
San Diego.....	1	1	
Santa Ana.....	7	3	
Tucson.....	2	1	
Van Nuys.....	5	1	
Total.....	49	27	
<b>SFOO:</b>			
Bakersfield.....	1		
Oakland.....	6	2	(1 removed: deceased).
Redding.....	1	1	
Reno.....	2		
Sacramento.....	7	4	
Salt Lake City.....	1		
SF Metro.....	6	2	
San Jose.....	5	1	
Total.....	29	10	
<b>SEA00:</b>			
Anchorage.....	3		
Boise.....	11	9	
Helena.....	14	10	
Eugene.....	2		
Portland.....	11	1	(1 closed—Federal sentence, 18 mo.).
Seattle, A.....	7	3	(1 closed—State sentence, 7½ yrs.).
Seattle, B.....	7	2	
Spokane.....	4	3	(1 closed).
Yakima.....	2	1	
Honolulu.....	4	3	
Total.....	65	32	
Grand totals.....	143	69	

## EXHIBIT III(a)

LOS ANGELES DISTRICT OFFICE—STATUS OF SIGNIFICANT CRIMINALS ON WHOM CASES HAVE BEEN MADE AS OF JUNE 10, 1975

U.I. Number	Date to U.S. Attorney	Date apprehended	Date indicted	Action
390912745023P	May 19, 1975	Feb. 26, 1975	Mar. 12, 1975	Apr. 21, 1975 5 years via title 26 U.S.C. 5861 ( ).
390708740038F	Feb. 28, 1975	Jan. 28, 1975	Feb. 5, 1975	
390708740038F	Feb. 28, 1975		Feb. 5, 1975	
390611743011H	Dec. 18, 1974			
390901755005Z	Feb. 10, 1975			
390708740038F	Feb. 28, 1975	Feb. 9, 1975	Feb. 5, 1975	May 19, 1975 pled guilty to title 18, U.S.C. sec. 844(1).
390312741518C	Dec. 20, 1974	Dec. 10, 1974	Dec. 23, 1974	Feb. 26, 1975 2 years violation title 18 U.S.C. sec. 4208.
390310741545H	Dec. 18, 1974			Mar. 10, 1975 prosecution declined.
390310741522A	Dec. 9, 1974		Feb. 11, 1975	Convicted May 8, 1975.
390708740038F	Feb. 28, 1975	Feb. 6, 1975	Feb. 5, 1975	May 16, 1975 pled guilty, title 18 USC, sec. 371.
390310741520V	Nov. 20, 1974		Jan. 15, 1975	
390311741522D	Dec. 13, 1974			
390801756015X	Mar. 20, 1975	Mar. 21, 1975	Mar. 20, 1975	
390701750016G	Mar. 10, 1975	Mar. 19, 1975	Mar. 19, 1975	May 27, 1975 4 years imprisonment. Probation recommended after 2 years.
390708740038F	Feb. 28, 1975		Feb. 5, 1975	
391303751002A	Mar. 31, 1975		Mar. 12, 1975	
390701750016G	Mar. 10, 1975	Mar. 19, 1975	Mar. 19, 1975	May 19, 1975 3 years probation, 22 weekends in jail.
391401754046Z	Mar. 13, 1975	Mar. 13, 1975		
390611743011H	Dec. 18, 1974			
390912745022L	Mar. 21, 1975			
390709740007J	Nov. 10, 1974	Dec. 27, 1974	Dec. 18, 1974	
390611743011H	Dec. 18, 1974			
390611743011H	Dec. 18, 1974			
391401754030F	Feb. 14, 1975	Jan. 24, 1975		
390310741522A	Dec. 9, 1974		Feb. 11, 1975	Convicted May 8, 1975.
390611743011H	Dec. 18, 1974			
390711740009N	Jan. 15, 1975		Dec. 18, 1974	Apr. 21, 1975 3 years. 60 days in jail, remainder suspended. Jan. 27, 1975 prosecution declined.
391111743512C	Nov. 29, 1974			

EXHIBIT IV  
BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION (BY JUDICIAL DISTRICTS)

	Title I			Title II			Title VII			Title I/VII			Title XI			Liquor			Totals
	1973	1974	1975	1973	1974	1975	1973	1974	1975	1973	1974	1975	1973	1974	1975	1973	1974	1975	
San Francisco district office:																			
California.....	15	21	7	15	29	8	7	25	3	18	31	4	4	2	2	3	3	3	187
Nevada.....	2	6	1	1	5	5		1	1	1	4	2	2	2	2				122
Utah.....	1		5						1	2	6	2							18
Seattle district office:																			
Alaska.....		2	2		3	6		1	2	1	10								31
Idaho.....	1	1				1		2	4		11								30
Montana.....		5	1	4	2	2				1	3	1	1	1	1		1	1	23
Oregon.....		10	3	4	17	4		1		1	2	1	2	2	2				48
Washington.....	6	16	6	16	24	5	6	10	2	15	14	3				1	1	2	128
Hawaii.....	5			1	8	3	1	2	1		4	2				2	2	2	31
Los Angeles district office:																			
California.....	2	7	21	37	63	27		4	7	44	87	31	4	2			1	1	338
Arizona.....		4	2	12	23	12			1	17	16	7		2					96
Totals.....	32	72	48	90	174	68	15	46	21	100	188	61	5	16	2	4	7	3	

## EXHIBIT V

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION, FIREARMS—DESTRUCTIVE DEVICE SEIZURES  
(JANUARY 1973—MARCH 1975)

	1973	1974	1975
T-I firearms.....	186	656	86
T-II firearms.....	128	122	77
Destructive devices.....	33	154	8

## EXHIBIT VI

## BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION, FIREARMS TRACED FOR LOCAL LAW ENFORCEMENT AGENCIES, 1974

Alaska.....	37
Arizona.....	206
California.....	2, 567
Hawaii.....	57
Idaho.....	62
Montana.....	61
Nevada.....	68
Oregon.....	119
Utah.....	58
Washington.....	592
Total.....	3, 827

## EXHIBIT VII

## BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION, SUMMARY STATISTICS—PROJECT I

	Seattle	Oakland	Los Angeles <sup>1</sup>
Handguns received for trace.....	219	245	757
Successfully traced.....	129	189	
Percentage successful.....	59	77	
Number of class I.....	85	45	
Number of class II.....	36	28	
Number of class III.....	98	116	
Number of revolvers.....	155	150	
Number of semiauto pistols.....	63	39	
Number of others.....	1		
Number of 3 in. barrel or less.....	119	149	
Number with over 3 in. barrel.....	93	16	
Number of .32 caliber or less.....	110	118	
Number of over .32 caliber.....	109	26	
Saturday night specials.....	35	90	
Percentage successfully traced.....	27		
Saturday night specials received for trace.....	50	90	
Number traced to out of state sales.....	31	49	
Percentage of O-S sales traced.....	24		
Stolen (total number).....		9	

<sup>1</sup> Complete figures from Los Angeles not available—study completed Apr. 14, 1975.

## EXHIBIT VIII

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION, CRIMINAL ENFORCEMENT PERSONNEL  
BREAKDOWN—1975<sup>1</sup>

Number of positions	Grade level of position	Position description
2	GS-15	1 ARD.
3	GS-14	1 SAIC.
		2 SAIC.
14	GS-13	1 senior enforcement analyst.
		2 regular officer enforcement analysts.
		3 assistant SAIC.
		2 strike force representatives.
		7 group supervisors.
59	GS-12	3 district officer enforcement analysts.
		13 group supervisors.
		43 special agents.
95	GS-11	95 special agents.
4	GS-9	4 special agents.
12	GS-7 <sup>2</sup>	12 special agents.
2	GS-5 <sup>2</sup>	2 special agents.
191		

<sup>1</sup> 1,811 series—Total criminal enforcement agents<sup>2</sup> Denotes training statusBUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION PERSONNEL  
(CRIMINAL ENFORCEMENT FIELD PERSONNEL ONLY)

## Los Angeles district office:

Group supervisor, GS-13	3
Resident agent, GS-12	5
Special agent, GS-12	14
Special agent, GS-11	32
Special agent, GS-9	2
Special agent, GS-7	15
Special agent, GS-5	2
Strike force, GS-13	1

## San Francisco district office:

Group supervisor, GS-13	1
Resident agent, GS-12	5
Special agent, GS-12	15
Special agent, GS-11	33
Special agent, GS-9	1
Special agent, GS-7	13
Strike force, GS-13	1

## Seattle district office:

Group supervisor, GS-13	3
Resident agent, GS-12	4
Special agent, GS-12	14
Special agent, GS-11	26
Special agent, GS-9	1
Special agent, GS-7	14

*Western region totals (field personnel)*

Strike force representative, GS-13	2
Group supervisor (RAIC), GS-13	7
Resident agent, GS-12	14
Special agent, GS-12	43
Special agent, GS-11	91
Special agent, GS-9	4
Special agent, GS-7	112
Special agent, GS-5	2

Total 175

Field clerical support 18

<sup>1</sup> Denotes training status.

*San Francisco district office*

<b>San Francisco metro group:</b>	
Group supervisor, GS-13.....	1
Special agent, GS-12.....	4
Special agent, GS-11.....	7
Special agent, GS-7.....	12
Group secretary.....	1
<b>Oakland post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-12.....	2
Special agent, GS-11.....	6
Special agent, GS-9.....	1
Group secretary.....	1
<b>San Jose post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-12.....	2
Special agent, GS-11.....	6
Group secretary.....	1
<b>Sacramento post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-12.....	2
Special agent, GS-11.....	4
Special agent, GS-7.....	1
Group secretary.....	1
<b>Fresno post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-12.....	1
Special agent, GS-11.....	1
<b>Bakersfield post of duty:</b>	
Special agent, GS-12.....	1
Special agent, GS-11.....	1
<b>Redding post of duty:</b>	
Special agent, GS-12.....	1
Special agent, GS-11.....	1
<b>Reno post of duty:</b>	
Special agent, GS-12.....	1
Special agent, GS-11.....	2
<b>Las Vegas post of duty:</b>	
Special agent, GS-12.....	1
Special agent, GS-11.....	2
<b>Salt Lake City post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-11.....	3
Group secretary.....	1
<b>Manpower totals—San Francisco district office (field personnel):</b>	
Strike force representative, GS-13.....	1
Group supervisor, GS-13.....	1
Resident agent in charge, GS-12.....	5
Special agent, GS-12.....	15
Special agent, GS-11.....	33
Special agent, GS-9.....	1
Special agent, GS-7.....	13
Clerical support.....	5

<sup>1</sup> Denotes training status.

**BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION, MANPOWER  
ALLOCATIONS—1975 (FIELD PERSONNEL)**

*Los Angeles district office*

<b>Los Angeles metro group:</b>	
Group supervisor, GS-13.....	1
Special agent, GS-12.....	4
Special agent, GS-11.....	6
Special agent, GS-9.....	1
Special agent, GS-7.....	1 1
Special agent, GS-5.....	1 1
Group secretary.....	1
<b>Total.....</b>	<b>15</b>

<b>Los Angeles strike force support:</b>	
Representative, GS-13.....	1

<b>Van Nuys post of duty:</b>	
Group supervisor, GS-13.....	1
Special agent, GS-12.....	3
Special agent, GS-11.....	3
Special agent, GS-7.....	1 2
Group secretary.....	1
<b>Total.....</b>	<b>10</b>

<b>Santa Ana post of duty:</b>	
Group supervisor, GS-12.....	1
Special agent, GS-12.....	1
Special agent, GS-11.....	7
Special agent, GS-7.....	1 1
Group secretary.....	1
<b>Total.....</b>	<b>11</b>

<b>San Bernardino post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-11.....	4
Special agent, GS-5.....	1 1
<b>Total.....</b>	<b>6</b>

<b>Oxnard post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-12.....	1
Special agent, GS-11.....	3
<b>Total.....</b>	<b>5</b>

<b>San Diego post of duty:</b>	
Resident agent in charge, GS-13.....	1
Special agent, GS-12.....	4
Special agent, GS-11.....	4
Group secretary.....	1
<b>Total.....</b>	<b>10</b>

<b>Phoenix post of duty:</b>	
Resident agent in charge, GS-12.....	1
Special agent, GS-11.....	4
Special agent, GS-9.....	1
Special agent, GS-7.....	1 1
Group secretary.....	1
<b>Total.....</b>	<b>8</b>

Tucson post of duty:	
Resident agent in charge, GS-12.....	1
Special agent, GS-12.....	1
Special agent, GS-11.....	3
Group secretary.....	1
Total.....	6

Manpower totals—Los Angeles district office (field personnel):

Strike force representative, GS-13.....	1
Group supervisor, GS-13.....	3
Resident agent in charge, GS-12.....	5
Special agent, GS-12.....	14
Special agent, GS-11.....	32
Special agent, GS-9.....	2
Special agent, GS-7.....	15
Special agent, GS-5.....	12
Clerical support personnel.....	6

<sup>1</sup> Denotes training status.

*Seattle district office*

Seattle post of duty (group A):	
Group supervisor, GS-13.....	1
Special agent, GS-12.....	3
Special agent, GS-11.....	4
Special agent, GS-9.....	1
Special agent, GS-7.....	11
Group secretary.....	1
Seattle post of duty (group B):	
Group supervisor, GS-12.....	1
Special agent, GS-12.....	4
Special agent, GS-11.....	5
Special agent, GS-7.....	11
Group secretary.....	1
Portland post of duty:	
Resident agent in charge, GS-12.....	1
Special agent, GS-11.....	4
Special agent, GS-7.....	12
Group secretary.....	1
Spokane post of duty:	
Resident agent in charge, GS-12.....	1
Special agent, GS-11.....	2
Group secretary.....	1
Yakima post of duty:	
Special agent, GS-11.....	2
Eugene post of duty:	
Resident agent in charge, GS-12.....	1
Special agent, GS-11.....	3
Boise post of duty:	
Special agent, GS-12.....	1
Special agent, GS-11.....	2
Helena post of duty:	
Special agent, GS-12.....	2
Honolulu post of duty:	
Resident agent in charge, GS-13.....	1
Special agent, GS-12.....	3
Special agent, GS-11.....	1
Group secretary.....	1
Clerk-steno.....	1



## Anchorage post of duty:

Resident agent in charge, GS-13.....	1
Special agent, GS-12.....	1
Special agent, GS-11.....	2
Group secretary.....	1
Manpower totals—Seattle district office (field personnel):	
Group supervisor (resident agent in charge), GS-13.....	3
Group supervisor (resident agent in charge), GS-12.....	4
Special agent, GS-12.....	14
Special agent, GS-11.....	26
Special agent, GS-9.....	1
Special agent, GS-7.....	<sup>1</sup> 4
Clerical support personnel.....	7

<sup>1</sup> Denotes training status.

## EXHIBIT IX

## BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WESTERN REGION

*Man days expended—fiscal year 1975, criminal enforcement*

## Liquor:

Illicit liquor.....	61.35
Legal liquor.....	22.93
Retail liquor.....	24.61
Total.....	108.89

## Firearms:

T-1 (app. inv.).....	152.09
T-I (comp.).....	30.70
T-I (other).....	3,342.34
T-II.....	2,056.31
T-VII.....	679.96
Total.....	6,261.40

## Explosives:

App. Inv.....	9.74
Comp. Inv.....	2.94
Other.....	674.14
Total.....	686.82

Training.....	1,065.33
Special detail.....	143.90
Program assistant.....	498.76
Other criminal.....	54.92
Other noncriminal.....	792.96
Travel—Equipment maintenance.....	3,916.77
Report writing.....	2,997.67
Liaison.....	1,234.89
Staff administration duties.....	5,379.73
Undercover.....	999.43
Court.....	581.04
Seized property.....	84.95
Other.....	34.67
Leave and holiday.....	4,419.99
Other—Unspecified.....	2,450.89

## EXHIBIT X

## LOCAL OFFICER TRAINING STATISTICS

## Types of courses offered and presented :

ATF Enforcement Responsibilities  
 Federal Firearms Laws  
 Illegal Firearms Recognition  
 Title II and Title XI Weapons & Explosives  
 Gun Control Act of 1968  
 Organized Crime Control Act of 1970  
 Bomb Threat & Search Techniques  
 Response and Search in Bombing  
 Identification of Explosives  
 Bomb Search Techniques  
 Significant Criminal Program  
 Illegal Activities of Prison Gangs

	Officers trained	AFT man hours
July 1973-Dec. 1973.....	1,788	165
Jan. 1974-Dec. 1974.....	8,825	1,320
Jan. 1975-March 1975.....	1,859	322
Totals.....	12,472	1,807

Mr. CONYERS. Let's turn now to Mr. Turner for the highpoints that he would like to emphasize, and then ask Mr. Mann to continue the questioning.

Mr. TURNER. Mr. Chairman and members of the committee, I am the assistant regional director of the western region of the ATF. Mr. Krogman indicated that we have 191 criminal enforcement agents. We have concentrated our available resources in pursuit of firearms and explosive crimes committed by persons in groups which represent substantial public threats rather than in the production of large numbers of criminal cases involving defendants whose arrest and conviction represent no significant effect on an already serious and growing criminal problem.

This objective was recently formalized with the establishment of the significant criminal enforcement program. This program reinforces and institutionalizes the principle that we will pursue violence involving dangerous and habitual offenders whose apprehension will make the streets safer in the community. In the first 5 months of the program we opened 143 investigations involving significant criminal subjects and perfected criminal cases against 69 of them or 48¼ percent. I would like to emphasize that the significant criminal enforcement program does not in any way usurp the authority of local law enforcement agencies in the field of firearms enforcement. ATF is committed to the assistance of local jurisdictions in their fight against firearms violators. From July 1973 through March 1975, a total of 12,472 local officers in the western region were trained by our agency in such diverse subjects as the investigation of explosive incidents, the recognition and identification of explosive materials, and the utilization of surveillance techniques. During the past year the bureau's project identification was conducted in three western region cities, Oakland, Calif., Seattle, Wash., and Los Angeles, Calif. I

have included a breakdown of the results in exhibit 7 for your review. By making explosive violations our first priority we have mandated a tremendous amount of available manpower to this area which otherwise might be utilized to pursue firearms violations.

The western region, and particularly California, experienced a disproportionate number of bombings and explosive incidents annually. In 1974, California led the Nation with 441 explosive incidents on a statewide basis while the second leading State experienced only 110 explosive incidents.

Mr. CONYERS. Just for clarification, Mr. Turner, are you saying this significant criminal project took away men that you had been using otherwise in firearms inspection and enforcement?

Mr. TURNER. Yes, sir; in criminal enforcement.

Mr. CONYERS. The thing that always bothers me when we get into this is what does a significant criminal look like? How do you check all of the citizens and say this person is significant while the other one, the other criminal may be insignificant? We have got a lot of trouble in the Federal Government with agencies that have operated extra legally. And I am not suggesting there is anything wrong with this program. But, if information comes to your attention concerning the potential commission of a crime that would trigger you into action whether it was committed by a significant criminal or not. If the person was involved in something dangerous such as an explosives violation that would automatically fit the definition so why would you need a program?

Mr. TURNER. Well, primarily, sir, to preidentify the armed and dangerous criminal so that we can pursue investigations on this selected target. Normally these are recidivists and——

Mr. CONYERS. He has already got a record and you know about him so how do you preidentify him, what do you mean, how does that operate.

Mr. TURNER. I could give you a breakdown of our identification of the significant criminal, armed and dangerous. He is currently actively engaged in felony criminal violations of Federal laws and/or explosive laws and/or engaged in other felonious criminal violations which present a serious threat to the public safety, considered as a serious threat to the public safety and determined as being one or more of the following categories. A felon, this is a person convicted of a crime of violence which would include, murder, kidnapping, rape, armed robbery, felonious assault, arson, explosive violations, he could be a felon who was convicted of a crime with high potential toward violence, robbery, burglary, extortion, highjacking, narcotics, firearms, explosive violations. He could be a felon or nonfelon, active criminal with high potential towards crimes of violence as documented by specific current and reliable intelligence data which would include a contract killer, an organization crime member, terrorist, stolen firearms, explosives, et cetera. He could be a firearms or explosive licensee currently actively engaged in felonious violations.

Mr. CONYERS. You need a special program? I am still very disturbed. I will leave it open to questioning because I don't want to take up Mr. Mann's time. But, if you did not have this project, such a person would obviously be the main objective of your investigation

anyway. I don't know why you need a special program for him, and I am disturbed about this term felon. A person who has been in jail is an ex-felon isn't he?

Mr. TURNER. Yes.

Mr. CONYERS. A person who may be guilty of currently committing a crime that is not a misdemeanor is committing a felony which remains to be determined by a court. So by calling persons who come out of prison felons, you are either defining their past activity which was formally felonious or you are making a judgment about what they are doing and what's going to happen to them prior to their going to trial.

Mr. TURNER. Sir, this is based on intelligence that the felon is currently actively engaged in felonious activity.

Mr. CONYERS. You use the definition and again you are talking about a person who has a criminal record and you define him as a felon if he is engaged in criminal activity?

Mr. McCLORY. I think he means something beyond that. I think he includes not only the ex-felon but as I understand it intelligence, his intelligence or information source reveals that the individual is involved in felonious conduct. He may not be charged but they have got the evidence and they will charge it.

Mr. CONYERS. So that's an ex-felon who is engaging in felonious conduct so that he would be the main objective of your effort. What would come up of a higher priority than that?

Mr. TURNER. Explosive incidents because of the threat to the public safety sir.

Mr. CONYERS. Those may or may not be people that constitute significant criminals?

Mr. TURNER. That's true.

Mr. CONYERS. Well this may be getting a little bit off the track, and I will make some investigation of the project myself. I was concerned about these definitions.

Mr. KROGMAN. I might add that the purpose of the definition and the word felon is in a prohibitive category and does prohibit him from purchasing a firearm under the gun control act and we use it in this sense as it relates to the significant criminal program.

Mr. CONYERS. I recognize Mr. Mann.

Mr. MANN. Thank you Mr. Chairman and your colloquy does raise a call for an observation on my part. I have heard more than just once recently perhaps during the course of these hearings, although perhaps in an informal conversation, local law officials make the statement that if they could get rid of the 100 known criminals in their community they could cut crime in half. Now I recognize your concern, this constitutes a prejudgment of all these people based on their past or suspected past record or suspected current conduct but I can see the reason why local law-enforcement agencies are putting emphasis on that sort of thing and this is a reflection of that type of endeavor I believe. Now given the proliferation of other problems and I heard here this business about the increased bombings at various places and the tax that puts on your personnel and recognizing the President's statement and Mr. Davis' statement it indicates that the force is being doubled for the purpose of doubling the effort in the

10 metropolitan areas only. I am sure those 500 will go out into other areas but based—I want this answer broken down into two parts. Based on the current situation how many additional personnel would you need to adequately enforce the firearms part of the law and second how many would you need if we adopted the recommendations of the Department of the Treasury with reference to the increased supervision and increased administrative capability that are contemplated, how many based on your specific difficulties would you need now and how many would you need with new recommendations?

Mr. GAUNT. Speaking for the Southwest I will talk to that first. I don't believe that in the Southwest based on 1973 census figures that under the 500-men distribution there is any anticipation that we will receive any manpower in that area. So in order to do more than we are doing at the present time we already determined that we could only make one compliance investigation of the dealer every 3 years with the 50 inspectors with the other work we have to do and we have 46 and currently we are not making any. I would say that in order to have an in-depth, good compliance program we'd probably need 100 inspectors on the criminal side.

Mr. MANN. You would double what you have?

Mr. GAUNT. No, sir, we would triple it. We have 46. I think we would need an additional 100 inspectors to make enough compliance investigations of dealer premises in order to insure their compliance with the present number of dealers now. If new legislation reduces the number of dealers to a more manageable figure we could be dealing with a lesser increase. If it reduced it by 50 percent we'd be dealing with an increased manpower to inspectors of approximately 50 doubling our force from the present 46 to approximately 100 and I believe we could do an adequate job. There is also on both the regulatory and both the criminal side a limit to the number of new special agents or inspectors that you can integrate into your present organization and train those people with the people you have on board in order to get them some sort of supervisory development and not only classroom training but on-the-job training to get them to the point where they are capable of going on the street and doing the job by themselves. So any manpower increase would be tremendous on both sides. Our recommendation would be that it should be spread over a 2 or 3 year period in order for us to absorb and take on additional manpower at the rate we can train and make them useful to us without totally utilizing our current journeyman force just for training purposes.

Now from the criminal investigation side I would like Mr. Harmon—he has done some research on that, on the number of special agents that he believes he would need for a comprehensive criminal program both with new legislation and under the present law.

Mr. HARMON. Our best estimate in that area would be 100 additional special agents in a very short framework for a few months. We'd need an additional 100 to begin with.

Mr. KROGMAN. I share Mr. Gaunt's feeling. Of course I am getting a good portion of the 500 agents out in California so as far as the agents are concerned I think this would probably be adequate to handle the metropolitan area, the major metropolitan areas in our

region. However our region as I indicated is very widespread. I think we can use probably an additional 100 agents in other locations such as Tucson, Phoenix, up in Seattle, even Idaho is experiencing a great increase in firearms violations so I think we could probably spread 100 agents in those areas to meet this problem. Now as far as the regulatory inspectors are concerned certainly we need help in that area and we probably could double our inspectors without trouble, particularly in view of their wide range of responsibilities in the wine industry, distilled spirits plants which are really preventing us from getting out and making these compliance checks throughout our region so I would say that we could use another 100 inspectors in this area as well.

Mr. CONYERS. A very good and important line of questioning because somewhere along the way the subcommittee is going to have to make these kinds of assessments on a national basis and your judgments here are extremely important to that. Mr. McClory?

Mr. McCLORY. Mr. Krogman have you been advised already of the additional special agents that you will get?

Mr. KROGMAN. Yes, sir, I have.

Mr. McCLORY. That's a decision already made by ATF in Washington and the distribution has already been determined?

Mr. KROGMAN. Tentative distribution has been made Mr. McClory and we are going to have a meeting to work out the details but I have been advised tentatively how many I am getting.

Mr. McCLORY. Mr. Harmon I want to ask you a few questions, this is extremely important to us and a vital part of your testimony. Where do the guns come from that are used in the commission of crime and you have outlined that if we want to take steps legislative to control what happens from the standpoint of keeping them out of the hands of criminals without impinging on the rights of individual law-abiding individuals to purchase guns for their legitimate purchases I think what you have determined in your investigation is extremely significant and would you summarize that, for instance in Dallas and in Denver the number of Saturday night specials that are used, the percentage of Saturday night specials that are used in connection with the commission of crimes is exceedingly high isn't it?

Mr. HARMON. It is very high, sir. We found these sorts of things in limited sampling in New Orleans and Dallas and in Denver proper. First that the burglaries and the thefts are a very significant problem, that 7 percent of all persons involved with a gun in a crime carried a stolen firearm, he had the stolen gun.

Mr. McCLORY. That would indicate an obligation to report a stolen gun. If just the law-abiding citizens would report their stolen weapons someplace it would help us in connection with apprehending the criminal and prosecuting the criminal?

Mr. HARMON. There is virtually no traceability on those weapons at the present time. We found that most of the guns were new.

Mr. McCLORY. Let me stop you there for a minute. This means that if we for instance had a gun registration law which would apply in the future it would have tremendous value because a very high percentage of the guns that are used in connection with crime were purchased in the last couple of months or at least the last couple of years.

I think your statistic is that 25 percent of them were purchased in the last year?

Mr. HARMON. That's correct sir. And three-fourths since 1968, that means if we had a system we would have traceability. Now, we found that three-fourths of them were cheap and easily concealable, what are now known as Saturday night specials.

Mr. McCLORY. Which is, the sportsman, the hunter, you don't use that for target practice, you don't use it to go out hunting rabbits or anything like that?

Mr. HARMON. It is not suitable for sports purposes. We found that pawnshops were rather prominent as a source of crime guns. In Dallas 38 percent originated in the pawnshops, 41 percent in Denver, 68 percent in New Orleans, over half of these were Saturday night specials; 73 percent in Denver, an unusually high number were Saturday night specials. We found that 75 percent of all guns involved in street crimes could be traced. Almost three-fourths could be traced and notwithstanding our inability to do adequate compliance with the dealers, existing dealers and virtually no control under the recorded sales between individuals, no control, and as opposed to the Eastern States, particularly we found that only 15 percent of the guns used in crimes came from outside of the State in which it was recovered. Most of our guns in this part of the country are local guns.

Mr. McCLORY. Thank you very much. Mr. Gaunt, I just wanted to emphasize this point with you and that is the difficulty of having a periodic inspection of the federally licensed dealers is because, well the very high percentage of the gun dealers that are operating out of their homes, they are not really in the firearms business are they, they have taken out a Federal license because it is permitted to take it out if you got the \$10 and you are not a felon and you meet the very minimum requirements. Now as I understand it and I think from your own office you estimated approximately 20,000 or 25,000 firearm dealers throughout the country and if we really made the Federal requirements such that we would license those that are in the firearms business as a business the problem of control would be far simpler would it not?

Mr. GAUNT. It would, yes.

Mr. McCLORY. As a matter of fact the testimony has shown earlier that the legitimate firearms dealer doesn't deal in the Saturday night special anyway because he is not dealing, he is only dealing with hunters and sportsmen. The people that he is dealing with, that he is doing business with don't want the Saturday night special.

Mr. GAUNT. That's very true. About 30 percent of our dealers we estimate on taking a survey or examination of the dealers intended to operate in their homes.

Mr. McCLORY. I just want to ask a question then Mr. Turner if I may. Your testimony, the written part of it is that the motorcycle gangs that we used to think of who operated as kind of a lark and were in some degree legitimate are now being absorbed into criminal activities which as I understand from your statement are being recruited into organized crime activities, is that the conclusion you come to?

Mr. TURNER. Yes, it is sir. I would like to read that part of my statement if you don't mind. One of the major enforcement problems encountered in the western region is the existence of outlaw motorcycle gangs such as the infamous Hells Angels which originated in California and then spread throughout the rest of the country. Today these groups seldom engage in the kind of senseless violence often attributed to them in the past. While many have interpreted this lack of open lawlessness to mean that these groups have reformed or at least tempered their vicious natures, nothing could be further from the truth. The truth is, in fact, even more ominous. These groups have utilized their basically clandestine and ruthless natures to establish and operate narcotics distribution rings. They have become involved in such diverse criminal enterprises as the counterfeiting of Federal currency and the operations of fencing rings involving stolen firearms, jewelry, and other expensive articles. Evidence developed by State and Federal agencies in recent years strongly suggest that these groups have become affiliated with organized crime elements anxious to obtain a foothold in the western region and eager to recruit "soldiers" with a proven record of brutality.

Mr. CONYERS. Thank you very much, I think that's an important observation to make for the benefit of this committee, particularly the fact that these gangs are operating according to your information in stolen firearms. Picking up the questioning again, what number of motorcycle gangs, how many men and women are you referring to in your report?

Mr. TURNER. I will refer that to Mr. Krogman.

Mr. KROGMAN. It varies, at one time we were very actively involved in probably three motorcycle gangs in California. At this time I would say we are probably reduced, it has been probably reduced down to one because, for limited resources. The total number of people again would vary. We are trying to concentrate our efforts on selected individuals.

Mr. CONYERS. You didn't make all of that effort on one motorcycle gang did you? Is that one group you are talking about? My question is how many gangs are you confronted with in your 10-State region jurisdiction?

Mr. KROGMAN. We had about three major gangs.

Mr. CONYERS. How many people, men and women in each gang?

Mr. KROGMAN. I'd have to check our records, I could get that for the committee.

Mr. CONYERS. That doesn't sound as ominous as it first started off. I guess maybe I have an excitable eastern nature. I was thinking of hundreds, maybe thousands of motorcycle gangs comprising 20 to 50 people who were ruthless and violence oriented that were now connected with organized crime but you are talking about one major gang in California?

Mr. KROGMAN. Well I am talking about what we are working on now. What we did in the past was about three major gangs. As far as numbers are concerned when they do have a general meeting there are thousands, yes, that come to these so-called conventions and get together.



Mr. CONYERS. That's a little bit different. On the subject of the speed in which the executive branch moved in connection with its crime statement, have you already received an allocation? First of all, I want to go on record as expressing the appreciation and astonishment that never so fast in my remembrance has any administration of either party implemented a program so quickly. Could you tell us how many agents you are getting for your region?

Mr. KROGMAN. I am getting 99.

Mr. CONYERS. I would yield to Mr. McClory.

Mr. McCLORY. I just want to make this followup observation on the motorcycle gangs. I don't care if there is one, certainly if there are 100 I think it is an extremely serious situation for us to consider 100 people involved in illicit dealing with firearms which is a major national problem I would imagine and if the number grows beyond that why it would be very frightening. So I certainly wouldn't want to suggest that merely one gang or merely three gangs is something I want to be indifferent to. I want to be very very concerned about it.

Mr. CONYERS. Of course these motorcycle gangs are gangs which are eligible for the significant criminal project, right?

Mr. KROGMAN. Yes.

Mr. CONYERS. All one of them or two of them?

Mr. TURNER. It would be individual members of the gang who would be identified as selected under that target or it might be the entire gang itself.

Mr. GAUNT. I think we don't want to indicate that all motorcycle gangs are illegitimate in nature. There are a lot of good wholesome motorcycle persons operating across the country and we are talking about, I believe, about the identification of those gangs whose concepts are criminal in nature and they are ordinarily based on the ideology that they will engage in criminal activities and I agree with Mr. McClory that even if they are few in number that anyplace that a group of people organizes for criminal purposes it should bring some focus from the law enforcement community.

Mr. CONYERS. I am glad you exonerated most, if not almost all, of the people that use motorcycles and motorbikes because I still can't get over the fact that after all of this presentation you have got your eye on one gang in California. There are groups in California that don't use motorbikes that must be just as dangerous. This program is how old?

Mr. TURNER. The significant criminal—

Mr. CONYERS. Watching this rise of motorcycle criminality.

Mr. TURNER. It has been about 3 years.

Mr. CONYERS. What kind of arrest indictment and conviction rate do we have?

Mr. TURNER. I don't have those figures available with me sir, but we could make them available.

Mr. CONYERS. All right gentlemen, we are indebted to you for raising some very important problems that law enforcement officials are confronted with. We are deeply appreciative to all of you for coming

before us today and with the great amount of preparation that was required for this hearing. Thank you very much.

Our next witnesses are representatives of State rifle and pistol associations. We have from Arizona the president Mrs. Mary Peterson. We have from Oregon the legislative representative Mr. Larry Perry. Will those two persons please come forward. We have your statements and you may proceed in any way you choose.

**TESTIMONY OF MARY PETERSON, PRESIDENT, STATE RIFLE AND PISTOL ASSOCIATION, ACCOMPANIED BY DEANE LAVACHEK, LEGISLATIVE REPRESENTATIVE; LARRY PERRY, STATE RIFLE AND PISTOL ASSOCIATION; AND RICHARD POPE, STATE RIFLE AND PISTOL ASSOCIATION**

Mrs. PETERSON. Thank you, I am very pleased to be here. I have been listening with quite a bit of interest to the previous testimony.

Mr. CONYERS. Do you have any observations Mrs. Peterson in terms of comments about the statements of previous witnesses before you start your own?

Mrs. PETERSON. Yes, I would if you don't mind. In addition to the fact that I am with the State Association—

Mr. CONYERS. Could you project your voice a little bit more please. They are turning up the mike but some of our audience are indicating difficulty in hearing you.

Mrs. PETERSON. I will try, I am a little squeaky this morning. I am, aside from being with the Arizona Rifle Association, I am connected with a Federal firearms licensee in Arizona. I try to assist them in the technical area of handling and proper procedures of the firearms laws and I was impressed by Mr. Harmon's comments about the determination of Federal firearms laws when his business was terminated. Under the Federal firearms regulations, that licensee is required to turn over any of his firearms records to the ATF, therefore they then become the licensee and hold those records indefinitely and in the situation of the firearms trace those records are accessible. It is also specified under the law how the licensee is supposed to retain the records. He has to use care and he has have them in a particular manner. He cannot be careless with them and I am surprised that Mr. Harmon wasn't aware that the records were maintained by ATF themselves on the termination of the license.

Mr. McCLORY. If you would yield Mr. Chairman. There could be instances, of course, where the dealer would go out of business or disappear or something like that and his records wouldn't be turned over.

Mrs. PETERSON. I would think those instances would be extremely rare.

Mr. McCLORY. They apparently are not doing a very good job with policing the 156,000 at the present time.

Mrs. PETERSON. I sat here and heard them tell us how they were not able to police all of the things that they were able to do under the act because of personnel and—

Mr. McCLORY. You don't object to that part of the law do you, the part of the law where the dealer records have to be turned over to ATF when they go out of business?

Mrs. PETERSON. My personal opinion to that is I don't know that those records are that much good, if they say they are, that's all right, but we are already maintaining them, it is something we have done and are doing. Many dealers have to have additional employees.

Mr. McCLORY. If you went out of business, would you forward your information right away to ATF?

Mrs. PETERSON. We are required to under the law; we definitely do. This is something we all do at the time now. You mentioned tracing firearms. The Federal firearms licensees are doing those traces for the Government presently and you are talking about a central organization to do that. I can only guess at the amount of money it would cost to maintain something like that. Some conservative estimate, they are talking about \$2 and \$3 billion a year to maintain records on all the firearms and their transaction records and now if Mr. Harmon can trace a firearm in 27 minutes under the present system I don't know that you can find fault with that.

Mr. McCLORY. Well I think the average—if the Chairman will yield—I think the average takes about 2 weeks, you see, because of the problems of communication, locating the dealer after we get the information and we don't always use the telephone of course. The information isn't always available, so, in a way it is yes, if it were possible to trace them all in 27 minutes right now it would be very good. The other thing is that there are very few of the local and State police departments that know about the tracing system and the ATF tells us that if they all knew and they were all using this tracing service they couldn't possibly handle the amount of volume.

Mrs. PETERSON. I'm sure that they can't inform all of the law enforcement agents in our particular business and on the 4th of January there was a change in the black powder limitations under the Federal law and we as a dealer in, have an explosive license with ATF and we have yet to receive official notification of any change in the law.

Mr. McCLORY. Mr. Chairman if you will yield, there wouldn't be much difficulty on your part when you make out the record of to whom you sell the firearm or if it were just with regard to handguns, say with regard to the record of the sale of the handgun, if on the carbon you gave the name and the serial number and make and so forth of the firearm and forwarded that kind of information routinely to the ATF. That wouldn't be a burdensome thing to do would it?

Mrs. PETERSON. Economically it probably would. The postage and the quantity of paper—we do that in Tucson to the police department now on used handguns that we purchase from individuals.

Mr. McCLORY. Don't you file it with the State though?

Mrs. PETERSON. No.

Mr. McCLORY. You see the thing that I am trying to get is some kind of a compatible informal system, the fact that Tucson has the information is very helpful and I suppose very useful to ATF on a

tracing process or local tracing process and if we could have either a uniform system under Federal guidelines which, of course, can be very helpful and if it were done even by the States, it would greatly expedite these tracings; the process.

Mrs. PETERSON. I don't know, it probably would expedite the tracing process. My purpose in being here and my personal opinion is I question the value of being able to trace. We don't have any substantiation that it solves that many crimes. We don't have any substantiation that we are talking about a majority of privately owned handguns that are causing a problem.

Mr. McCLORY. You are right, the law-abiding citizen and his firearm is not causing the problem at all, it is these few and that's just why we need the support of the law-abiding groups in order to help in trying to find a way of getting at criminal misuse.

Mrs. PETERSON. I hope we can do that too.

Mr. McCLORY. Thank you.

Mrs. PETERSON. The honest gun owner is definitely concerned with crime. It not only jeopardizes all of the lower positions but in the public opinion about the legislature or how it is going to affect crime. We want to do something about crime. We don't feel, and I think that anything you study is going to bear that out, that controlling firearms is actually going to do anything about controlling crime. In 1968 when the Gun Control Act was passed, many of us tried to impress on the lawmakers at that time that it wasn't going to do anything about crime. Now 7 years later, people are saying it hasn't done anything and we told you that 7 years ago. I think if you are talking about passing legislation against 100 percent of firearms in order to get 3 percent of them, I think we might be missing the boat someplace. In Arizona, on felonies, it is very difficult to get consistent statistics on it, but we have done some research recently, and we have found that of the felony convictions in the State of Arizona in a given year, 65 percent of those people are put on probation and are back on the street; and in dealing with that we find in the Arizona Department of Corrections in a given year that 35 percent of the felons that eventually do become imprisoned have been there before and—I beg your pardon—two-thirds of them have been there before and 35 percent of them are serving concurrent sentences. That's two for the price of one. Supposedly, you can commit two as inexpensively as one as far as serving time is concerned. To get out and punish groups like us, to hold us responsible for 3 percent of the things that are happening with firearms is kind of going at it from the wrong direction.

Mr. CONYERS. When you say us, who do you mean?

Mrs. PETERSON. I mean the law-abiding, honest gun owner who has his firearm legitimately and uses it for worthwhile recreational and social activity.

Mr. CONYERS. How have they been held responsible for those crimes, especially felony crimes?

Mrs. PETERSON. I don't mean responsible in the sense that it is our fault that the crimes have been committed, but people have held up to us that why won't you submit to this type of legislation if it

is going to control crime. We submit that it will not control crime. Therefore, people blame us for combating any legislation regarding firearms. They say we don't want to do anything about crime and this is absolutely untrue. I think we are more concerned about it because we have a greater interest. Congressman Mann made a comment that a prejudgment of a criminal type and calling a felon was really not fair and here we are having a prejudgment of gun owners by trying to pass legislation against 99 percent of the gun owners who aren't a problem and don't intend to be. There is no indication that they ever have been a problem.

[The prepared statement of Mrs. Peterson follows:]

STATEMENT OF MARY L. PETERSON, PRESIDENT, ARIZONA STATE RIFLE  
AND PISTOL ASSOCIATION

The Arizona State Rifle and Pistol Association is grateful for the opportunity to be of assistance to this committee.

Our association is the central group in Arizona which is primarily concerned with the conduct of organized rifle and pistol shooting competition. We represent both individual and club members. Among our purposes, we seek to assist and educate those citizens of good character who wish to be proficient in the use of firearms, be it plinking, hunting, target practice, self defense, competitive activities or the expansion of personal knowledge or ability.

We sponsor many shooting tournaments beginning at the state championship level. Arizona is the host state of the National Championships for both International type and Metallic silhouette shooting. Many of our members work as volunteers to conduct these events while still others have the opportunity to compete. Competitors from all parts of the United States come here to participate. Black Canyon Public Shooting Range near Phoenix, Arizona is one of the most complete shooting facilities in this country and it is kept busy year round by thousands of people.

Our attentions are also extended to peripheral areas outside our direct purposes of firearms and related interests. The Arizona State Rifle and Pistol Association is affiliated with the:

Arizona Conservation Council.

National Rifle Association.

United States Olympic Committee.

SAVE (Sportsmen Against Vandalism Everywhere).

Southern Arizona Sportsmen & Gun Owners Association.

We feel our association is representative of many others all across our country and is made up of sportsmen and women who are concerned with their social obligations within their fields. These citizens, gunowners mostly, from all backgrounds have done something quite special. In order to fill the public needs, they have voluntarily assumed the burden of hunter safety education, home firearms safety, marksmanship programs, shooting range construction and maintenance, and support of national and international shooting competition teams.

In 1968 a group of seventeen target shooting, hunting and gun collecting organizations formed a committee they called Arizonans for Effective Crime Control. They called public attention to the real causes of crime and posed a questionnaire to candidates for political office to learn their views on the issues of crime control. The resulting information was made available to the voters prior to elections. A local newspaper editorially commended them for the open and objective approach, and at the same time chided those candidates who failed to respond.

Also in 1968 in Tucson, Arizona our Mayor and City Council scheduled a special meeting to "consider gun control legislation." The meeting was well attended—such a record crowd in fact, that loudspeakers had to be placed in the adjacent park area so that the gathered citizens would all be able to hear the proceedings. Many individuals and groups were heard with the result that a citizens committee was appointed to make a study of the need for local gun controls. The final report acknowledged that existing laws, if enforced, were adequate. It called for strict enforcement of those laws and more educational

programs on the use of guns and stated that "the best deterrent to crime is the certainty of apprehension and stern penalties."

Last summer in Arizona the citizens rather firmly rebutted our former Attorney General's consideration of banning handguns, causing him to report that his mail had been ten to one against those pistol laws and three to one against lighter sentences for "victimless crimes." At the same time, he commented that "it was probably a mistake" to get into the issues and that his views may have hurt him politically. Some citizens asked the Governor to reprimand the Attorney General.

In my own area many sportsmen's clubs, being concerned by the current treatment of crime and criminals, have established a central committee of delegates called the Southern Arizona Sportsmen and Gun Owners. This is a very worthwhile group which combines the resources of each club to resolve mutual problems. They have consulted officials of the area to seek solutions for our ills— hearing from judges, prosecutors, law enforcement personnel, and others. In order to demonstrate public concern, they sponsored a petition to support proper action directed to the issues of crime control via criminal control. In a very short time they obtained 10,000 signatures to the plea and presented these to the Pima County Attorney. A copy of that petition is included here.

This group supported the state legislation which now requires a mandatory prison sentence for the use of a firearm in the commission of a crime.

These efforts, directed at the purest cause of crime today, bring public and official attention to those causes as well as service notice that we do not intend to be deprived of our rights by misdirected cures.

Arizona has the distinction of having a special area and season for only those hunters who prefer to carry a handgun. The handgun, of certain larger calibers, is recognized as a hunting firearm and thus may be utilized for nearly every category of big game in Arizona.

In 1974 the State Game and Fish Department of Arizona recorded 172,931 hunters. In order to hunt the game of their choice, those hunters paid \$2,477,688 into state funds. The economy of equipping, outfitting, transporting, and encamping those hunters is an important consideration for Arizona.

Nationally, it is estimated that three to four million hunters used handguns as their hunting firearm.

In 1974 16.4 million hunters in the United States added \$143 million to the programs of the various state game departments.

The International Olympic Committee's figures on organized participation in competitive sports, world-wide, lists:

- 1st—Basketball.
- 2nd—Football (Soccer).
- 3rd—Volley Ball.
- 4th—Shooting Sports.
- 5th—Table Tennis.

In the Olympics held in Mexico City and Munich, the number of competitors in shooting sports is exceeded *only* by the *total* number of competitors in the combined field and track events—in spite of the NBC, CBS and ABC reporting of the events, or lack of it!

International type shooting sports include trap and skeet (shotgun), rifle (50 and 300 meters with .22 caliber and centerfire rifles), pistol (25 Meters with .22 caliber and centerfire handguns) and air rifle and air pistol.

The social reformers would have you believe that only in the United States is there any interest in guns and shooting.

I wish this committee were able to meet and talk with some of the young people my family has come to know through the "shooting game." Acknowledging a touch of prejudice I can honestly say I have never been involved with any other group of youngsters who display and generally live more characteristics of sportsmanship, responsibility, consideration, helpful assistance and citizenship. Having three daughters and being involved with them in other youth programs, I feel qualified to make the comparison.

There are hundreds of clubs in my state whose members are interested in the shooting sports of one type or several. Trap, skeet, rifle (both smallbore and high power), pistol and hunting are the more common. We also have clubs made up of gun collectors, cartridge collectors, air gun (both rifle and pistol), international type competitors, in fact the United States Women's International Rifle Organization has its headquarters near Phoenix. The United States Shi-

houette Association was organized in Tucson and there are many state clubs devoted to that activity. We have muzzle loader clubs, junior clubs, law enforcement groups and departments, military clubs and teams keep proficiency up by participation. Though not usually organized, there are many craftsmen who enjoy doing fine metal and wood finishing. The reloader can perfect a special load of ammunition and be as satisfied as a good cook with a prize winning recipe.

These are not bad people; they are not criminals; they have never hurt anyone nor indicated that they would. But they are all potential criminals!

If the federal government passes legislation against these honest people owning their firearms, the United States *will* have generated 40 million new de facto criminals!

"If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in any moral point of view, justify revolution."<sup>1</sup>

There are those who would do away with all handguns to get at the small fraction of a per cent of those handguns which are used in the taking of lives. Are we to sacrifice the 99.99 plus per cent handguns used for lawful purposes by honest citizens? Citizens who have never committed a crime nor evidenced that they ever will?

Good citizens become concerned as to why many intellectuals, much of the press and a few of our political leaders are determined somehow or another not to study, or to recognize, or to report or to act against the real causes of crime.

When an ordinary good citizen in America today goes out and buys a handgun, he is expressing a lack of confidence that there will be order in his community. He hears nothing on television and he reads nothing in the press which gives him confidence in the police, in the courts, or in society. All he sees and hears through the media is increasing crime and increasing turbulence.

Law enforcement hasn't failed; it hasn't been tried!

In America, for over 10 years, crime has been increasing, and during that period the prison population in America has been going down. In 1973 all United States District Courts had convictions in 34,983 criminal cases, and only 50% of those convicted were imprisoned; the other half were fined or placed on probation—put back on the streets where *three fourths* of them will commit *another crime!*

In Arizona last year we fared even more poorly. Our organization made inquiries and learned that the state has about 65% of its convicted felons free to prey on society. Even at that we are better off than California; it loosed 71% of its convicted felons on the honest public.

Now it is one thing to try to rehabilitate criminals, but why should a citizen be denied the right of ownership of an object because there is a possibility that one of those criminals will steal one and misuse it.

We must be strong enough to protect the honest, non law breaker from the misguided criminal.

We have gun controls now. Today, in order to purchase a handgun in Arizona, a person is required to:

Be at least 21 years of age.

Be a resident of the state.

Certify that:

He or she is not under indictment in any court.

Has never been convicted of a crime punishable by imprisonment for a time of one year or more.

That he/she is not a fugitive from justice.

That he/she is not an unlawful user or an addict of drugs.

Has never been adjudged mentally defective or committed to an institution.

Has not been dishonorably discharged from the military.

Is not an alien in this country illegally.

Is not a former U.S. citizen who has renounced his citizenship.

There are detailed laws in Arizona prohibiting the misuse of firearms, even as to how they may be carried and where. For example, it is illegal to even threaten another person with a firearm.

Unless you have tried to purchase a firearm lately (or even if you have), you probably are not aware that there are many stringent controls on purchase and possession *now in effect*. We have had them for quite a while.

<sup>1</sup> Lincoln, Abraham: First Inaugural Address: 1861.



The Federal government already requires what amounts to qualification and registration—a form, the 4473, has been in use since 1968. In addition, the firearms manufacturer must preserve a specific record of each firearm made, its full description, when it was sold and to which distributor it was sold. Further, the distributor must maintain the same records and give additional information: the source and date of acquisition and then the retail store to whom transferred. The distributor and retailer must both be licensed by the Federal government to deal in firearms. The retailer, in turn, is required to maintain the above records adding the date of sale, name, full address of the purchaser; and he is additionally required to complete and maintain permanent files of the form 4473 on each firearm and individual purchaser. The 4473 form lists personal information of the purchaser, confirmation of the acceptability of the purchaser, date of purchase, and description of the firearm. Sounds like we have plenty of firearms "controls" right now!

Gun control is a political cop-out.

Gun control causes many of the people to think our political representatives are doing something about crime. This is a serious deception. How dare our law makers tell people that something is being done about crime, when in fact *nothing* is being done about crime. Gun control is not crime control.

Crime control poses difficulties for many of our political leaders because many of them simply lack the courage to confront the fact that the solution is to do something stern with people who violate the law. We seem to promise immunity from punishment to those who commit crimes, while at the same time we seem to be imposing restraints upon those who do not commit crimes.

To continue to do nothing effective about criminals will eventually cause every household in America to be armed—lawfully or not, like it or not.

Where has gun control stopped crime?

In answer to a questionnaire submitted in 1968 covering the period 1959-1968, forty-four state law enforcement agencies reported on the number of murders, aggravated assaults and robberies (six homicides and six robberies) which they knew to have been solved through the tracing of a firearm by serial number.

Using the estimate of 200 million privately owned firearms in America and with our knowledge that virtually all firearms manufactured or imported in our country are actually registered, the results of directly solving 12 crimes by use of that registration, leaves no valid reason for any further registrations.

Some who claim we need more gun laws to control crime say the Gun Control Act of 1968 has not done anything about crime. This is doubly sad in that we told the Congress back in 1968 that this Act would not do anything about crime. Will we be heard today?

I have read with interest a published report noting a quoted opinion of Congressman Conyers that the "one million or so members of NRA have a staggeringly disproportionate amount of influence over the course of our federal policy." I like to give credit where due, and the NRA is a fine organization doing a very worthwhile job, but shouldn't we recognize that this just may be the influence of the people, *not* only the NRA?

He also is quoted as advising Congress that there may be a "slumbering silent majority of Americans who could, at any time, be awakened to prod us to enact legislation, or turn us out of office for failing to do so." I consider that to be a very astute observation!

This committee, by its name, is formed for and dedicated to the solution of the crime problem in America. To accomplish this it seeks to enact legislation and pass laws. But good laws are not easy to enact; they must meet the following criteria:

They must have a good purpose, and we firearms owners as the majority of law abiding, socially conscious citizens agree to the purpose.

These laws must be effective and must actually accomplish these ends, but we are talking about laws directed at 99.9% of the population who may be the victims but who are assuredly not the perpetrators.

These laws must be economical, but we are talking about additional *billions* of dollars every year with no demonstrable benefits.

These laws must be enforceable, yet we cannot or will not enforce our present laws while talking about laws which require a total police state to enforce!

These laws must have popular support, yet we both freely admit that the majority of people in the United States own firearms. I really do not think that the firearms owners want this legislation.



These laws must, in the final analysis, do more good than harm. Yet I can assure you, and it is proveable if you care to peruse it, that these proposed laws will, on passage, instantly manufacture 30 or million *de facto* felons. Is it the purpose of a crime committee to generate new crimes and thus new criminals?

"The consent of the governed is basic to American democracy. If the governed are misled, if they are not told the truth, or if through official secrecy and deception they lack information on which to base intelligent decisions; the system may go on . . . but not as a democracy."<sup>2</sup>

Senator James A. McClure of Idaho stated that "the Gun Control Act of 1968 has not worked. It is ineffective in preventing crime as witnessed by the staggering increase in the crime rate that has taken place within the seven years this law has been on the books . . . So the strongest argument against gun laws is their utter futility in reducing armed crimes. In this country today, we do not have a gun problem; we have a crime problem. . . .

One further point of importance is reflected in the cost to the taxpayers of the Gun Control Act of 1968. A repeal of the Act would reduce the financial burden on the taxpayer. This makes common sense for the tax dollars used in administering an ineffective law during times of great economic stress might be more effectively used elsewhere in the fight against crime."<sup>3</sup>

Does this committee feel that licensing of firearms would be effective?

Such action would serve no purpose. This would have no effect on a criminal. Do we need a license to be a good citizen? Can we use *another* bureaucratic budget drain? Are we really ready to go that far to create jobs?

Does the same apply to registration? So like Pandora's box;

"The answer to whether or not legislation providing for a national registration program should be enacted should not depend upon the philosophical, ethical or emotional issues of whether firearms ownership is moral or immoral or whether guns are good or bad. Rather, it should depend upon a factual examination of the above arguments. The crux of the matter would seem to be whether or not the benefits of a registration program, whatever they may be, are worth the costs of administering it. A corollary to this is whether or not monies proposed to be devoted to the administration of a registration program could not be spent in another area of crime prevention with better results. This would have to be determined by a cost-benefit analysis. So far, proponents of firearms registration have not made any thorough examination of cost factors.

The highest cost of firearms licensing which has yet been documented is in New York City, where the average cost of processing an application for a pistol permit in 1968 was \$72.87. Thus, a theoretical initial cost of licensing and registering the guns of 40 million firearm owners could be placed at \$2,914,800,000. The city administration reported that the ultimate cost of licensing rifle and shotgun owners and registration of their firearms could be as high as \$25 per gun. Using this figure to project the cost of a nationwide program registering 125 million firearms results in an estimate of \$3,125,000,000.

All of these cost figures are in terms of 1968 dollars. They do not include either the cost of enforcing the laws or the indirect costs associated with them such as continued maintenance. In a cost benefit analysis, these would be taken into consideration.

Estimates of the number of firearm owners in the United States range from 40-50 million individuals. Estimates of the number of privately owned firearms vary from 100-200 million, depending upon the source.

A national firearms registration program would affect more than 40 million Americans. It would require the commitment of a significant portion of these federal funds which might be made available for law enforcement and correctional activities in any given fiscal year. If additional funds were to be made available for law enforcement and correctional activities, for what would they be spent? To increase the salaries of law enforcement personnel? To increase the number of law enforcement personnel? To improve relationships between law enforcement and the public? To upgrade law enforcement equipment and facilities? To provide additional training for law enforcement personnel? To increase the efficiency of the courts? To upgrade penal institutions? To increase efforts being made to rehabilitate persons convicted of crimes? Or to establish firearms registration programs?

<sup>2</sup> Wise, David : *The Politics of Lying*.

<sup>3</sup> Flick, Michael ; "The Shooting Industry," March, 1975 : Washington Hot-Line.

The United States Supreme Court has ruled that a person possessing a firearm illegally could not be prosecuted for failing to register that firearm. Such a person, in registering, would be subject to possible self-incrimination. The court determined, in *Haynes vs. United States*, (390 U.S.85 (1968)), that the Fifth Amendment protects an individual from having to run such a risk.<sup>4</sup>

Thus, if a criminal cannot be forced to register, that would leave only the law-abiding to be "booked," and they see no reason why they should be fingerprinted, photographed, psychoanalyzed and *taxed* to enjoy a provision of the Bill of Rights.

The efforts of Washington D. C.'s Councilman Wilson to take advantage of the prior firearms registration in order to confiscate all guns in that city is no surprise. This procedure is precisely what gun owners have listed as one of their major reasons for resisting "firearms legislation." With this absolute disregard for personal rights and private property as a glaring example, no objective person can expect the citizens of this country to accept that fatal legislative foot in the door!

Members of the Board of Directors of the Arizona State Rifle and Pistol Association were requested to submit their remarks for inclusion in this paper, and the first-hand information I received from our Treasurer, Col. L. E. Roninger, USA (Ret.), should be presented in his words:

"Re: WWII—Adolph Hitler decreed that no private citizen could have a gun . . . and if caught, the culprit was summarily executed. However, when the contractual agreement was signed several years after the conclusion of the war and we allowed the Germans to have sporting firearms, the gardens all over Germany were dug up to recover weapons "stored" by the "criminal masses." I was there!

The Russian Mission with whom I dealt in the displaced persons program assured me repeatedly that in twenty years (would have been 1965+) we (the people of the U.S.) would be disarmed. "They" (the Communists) would create situations which would result in the American people disarming themselves."

When the police state operation, presupposed by such a gun-seizing effort, has grown to the point it can control guns, it can control much of all the other things we hold dear in this country.

The administration of such a massive system of records—a mass of information on decent, hard-working taxpayers is a serious thing—is a menace to our liberties.

Surveillance of the conduct and the inanimate property of law-abiding citizens is a serious thing and has always been subject to abuses.

There are now upon us serious movements in government to register not only guns and gun owners, but also all people for one reason or another. The national immigration laws are such an example. Another example is to register all people so that there can be more orderly social prescriptions—social security, passport issuance and the like. These are serious indeed. The responsible gun owners are not fighting for selfish motives. The rights and freedoms they seek to maintain are the rights and freedoms of all Americans.

Gun legislation can easily provide the catalyst for a police state—a police force which will not tolerate the disclosures and the disruptions which the administration of that police power believes to be out of harmony with the best interest of the public. And there under the guise of public safety—and under some determination as to what is good for the people—there goes the freedom of the press and there too will have gone our right to keep and bear arms—for no police state in history has ever permitted a free press or permitted its citizens to keep and bear arms.

We recognize that a report such as this cannot provide the comprehensive information needed to formulate good legislation and that the hearings are necessarily limited. Because of this and our sincere interest and concern for the issues involved, the Arizona State Rifle and Pistol Association respectfully offers its resources in knowledge, experience and background as further assistance to this Subcommittee on Crime and staff.

Mr. CONYERS. All right, suppose we move now from the president of the Arizona State Rifle and Pistol Association to the president of the Colorado Association: is he here, Mr. Richard Pope? All right,

<sup>4</sup> Krug, Alan S.; *Firearms Registration Costs vs. Benefits*.

is the North Dakota representative here, Mr. Lavachek? Would you please give us your observations on this subject.

Mr. LAVACHEK. Chairman Conyers, members of the committee, might I say that my personal thoughts are shared by the North Dakota association which I represent and my personal thought is that further firearms control will not definitely help in reducing our crime problem. When we have a dandelion problem in our lawn do we pluck the flower or clip off the leaves or forget it? No, you must attack the entire plant including the root or else you will have the dandelion this year and the next year and the year after. The same thing holds true in our situation as regards crime. That crime is not caused by the handgun or by the tools used, whether it is the cross-bow of the middle ages or the handgun that we use now. It's the social factors that I would like to touch on that perhaps have more to do with the rising crime rate than handguns themselves. We are concluding roughly a decade and a half of accelerated social progress, and you gentlemen undoubtedly shared in the progress and the legislation that contributed to it, but in that same decade and a half our crime rate has risen at a proportionate figure, and one factor which I would say affects crime the least and that has accelerated the least is the availability of handguns. I'd like to touch on some of these factors briefly. One of the factors, the social factor is that when both parents feel it's necessary to work to contribute to the family standard of living, they will leave their children in the care of a babysitter, maybe good, bad or indifferent and such children lack the traditional parental guidelines that most of us enjoyed at other times. May I give you an example of this parental guidance as it applied to me as a boy? I had the cutest little fire started between two haystacks on my granddad's farm and the first thing I knew dear old granddad appears and he made a positive impression on me but he put that fire out first and then proceeded to start one of his own on the seat of my little britches and ever since that time when I see a fire that shows the least possibility of getting out of control that portion of my anatomy still tingles. So much for parental guidance. Another fact that contributes to crime and delinquency is the home that has been broken by divorce. I would guess that the rise of the divorce rate roughly parallels the rise in the general crime rate and a third social change is a growing addiction to alcohol and drugs among our young people. I mention this only in passing as being linked much more closely to the crime problem than the availability of firearms. The addict who must support his habit would still do so in a gunless society. Violence is portrayed on television and has been mentioned as a positive factor in crime. Jack Anderson played it up not too long ago as being one incident of violence in every three minutes of children's television. I agree that TV does have a tremendous potential for both good as well as evil and I do feel that watching Disney productions has made many a boy a non-hunter before his doting dad could get to him and make him a hunter. I also propose that leniency on the part of our courts has more to do with the rising crime rate than the availability of firearms. It used to be that the punishment fitted the crime and was

reasonably swift and certain, and in that respect acted as a deterrent to crime. However at this time judges often give sentences that are ridiculous even to the point of perhaps of paroling a convicted murderer before even a day in jail.

Japan has often been held up to us as an example of the good kid on the block because of its lower crime rate. I believe that the favorite quote is—one homicide in some recent year which I cannot remember the year in the greater Tokyo area was committed with a gun. However the homicide committed with the traditional Japanese weapons such as the knife, the sword, the dagger, are ignored by the people that quote the first statistic. The Japanese children are brought up differently than we are and I think that has much more to do with their low crime rate than the non-availability of firearms. In Japan these children are taught to respect their parents, all of their elders, their teachers, their law enforcement officers and other government officials. Are we taught to do the same? Not that I know of. Also in Japanese schools there are definite classes in morality while in our schools except for certain parochial schools such classes are not the rule, children are to learn their morality through contact with the teacher and it is supposed to be a process of rubbing off from the teacher to the youngster. Couldn't this teaching of morality by the Japanese contribute more to their low crime rate than the absence of guns. England is held up as an example to follow gunwise. However we quit being English 200 years ago about this year and we decided on an independent existence and we have followed it every since. The frontier influence which led or helped make us what we are today was not present in England. The frontier did not disappear in 1910 as quoted by some historians but it is still with us in many places, Alaska, the Continental Shelf, the seabottom and perhaps the moon. We have evolved as a different people than the English or the Japanese, we are more independent in thought and less subservient to established authority.

Switzerland is another good boy on the block with a low crime rate. It is usually not quoted by those who associate guns with crime. Every Swiss male of military age keeps his service weapons in his home with the ammunition necessary for that weapon. He is ready for mobilization at a moment's notice, call him the Swiss minuteman if you wish but this presence of firearms seems to have no affect on the Swiss crime rate. I have to put a plug in for my native State of North Dakota. We also follow the Swiss in our crime rate. We enjoy the lowest crime rate in the United States and firearms are readily available in North Dakota for who cares to obtain them, except those of course who are prohibited by present law from possessing such weapons but I sometimes feel a panel such as this one might learn something by conducting research in North Dakota as to why our homicide rate for instance is 0.8 per 100,000 people while the homicide rate in Atlanta is 25 something in the greater Atlanta metropolitan area. There has to be a reason. I believe that the concerned people in this room who are trying to get a handle on the crime problem could do so more effectively by considering these social factors rather than the dandelion itself, the gun, and

our lawmakers have failed us in this regard. Crime has risen and risen ever since 1940 while the laws which are supposed to protect us against criminals have not done so and I feel that it is a fallacy to continue pounding this drum of gun control while we have surrendered many of our streets and parks to the hoodlums, especially after dark and still we beat the still old drum, gun control.

Mr. CONYERS. I am going to have to interrupt here, reluctantly, because we have a time frame with two other panelists to come before us plus the ones that are on our panel and we are in a little clutch for time.

Mr. LAVACHEK. That was my conclusion.

[The prepared statement of Deane Lavachek follows:]

STATEMENT OF DEANE LAVACHEK, REPRESENTATIVE, NORTH DAKOTA RIFLE  
AND PISTOL ASSOCIATION

Chairman Conyers, members of the committee: I am as much in favor of reducing crime as anyone in this room, but I strongly question that further firearms controls are the path to follow. In the total crime picture, which should be our concern, firearms are used in a small percentage of incidents. We are made highly aware of these incidents of violence because the media allot a disproportionate amount of time and space to violent events as compared to other events. A boy becomes an Eagle Scout and is rewarded by a sentence on TV or in the back of the home-town paper, a group of youngsters clean up the debris in their block and may merit a paragraph, but let them become involved in violence and they might rate half a page of condemnation.

We are concluding roughly a decade and a half of accelerated social change. This same decade and a half has seen a similar acceleration in the crime rate. I would like to comment on several of the many factors that have a far greater impact on the over-all crime picture than the availability of firearms, the factor that has changed the least.

One of these factors is that in which both parents feel it necessary to work and contribute to the families' standard of living, leaving their children in the care of a baby-sitter who may be good, bad, or indifferent. Such children lack the traditional parental guidance that most of us enjoyed in other times.

I remember vividly one incident from my own childhood, of this parental guidance. I had the cutest little fire started between two haystacks and suddenly old Grandad appeared. He paid no attention to me until he put out my pretty little fire, after which he proceeded to start a fire of his own right on the seat of my britches. He made my little hinder tingle so much that I can still feel it when I see a fire that might be in the least danger of getting out of control.

Another factor that contributes to crime and delinquency is the home that has been broken by divorce. I would guess that the rise in the divorce rate roughly parallels the rise in the general crime rate.

A third social change is the growing addiction to alcohol and drugs among our young people. So much has been said and written about this subject that I will only mention it as being linked much more closely to the crime rate than the availability of firearms. The addict who must support his habit by crime will only change to different tools in a gunless society.

Violence as portrayed on TV has been suggested as a causative factor in crime. I agree that TV has a tremendous potential for both good and evil and cannot be dismissed. I do know for sure that watching Disney productions of the Bambi variety made a non-hunter of my son before I could make a hunter of him. I would even speculate that part of the reason for England's lower crime rate could lie in the government direction of such programs.

I also propose that leniency on the part of our courts has had more to do with our rising crime rate than the availability of firearms. It used to be that the punishment fitted the crime and was reasonably swift and certain, and in that respect acted as a deterrent to crime. Judges often give sentences that are ridiculous, such as paroling a convicted murder before even a day in jail. I say that this practice is an inducement to crime—the offender has little to lose even when caught.

Japan has been given as an example of the good kid on the block because of its lower crime rate. I believe the favorite quote is one gun homicide in Greater Tokyo in a recent year. People who quote this figure ignore the stabbings, clubbings, knifings and strangulations used as effective substitutes by the Japanese criminal. Also, their lower total crime rate cannot be attributed so much to the absence of guns as to other factors. Japanese children are brought up with a traditional respect for their elders, their teachers, and for their government employees. Can we say the same? Japanese schools offer compulsory classes in morality. I can think of no schools in our country except some parochial schools that do the same. When I attended school as a youngster, I learned my morality from the ten commandments hanging on the wall. Even they are now missing from most of our schools and children are expected to learn what is right and wrong from association with the teacher.

Couldn't this teaching of morality by the Japanese contribute more to their lower crime rate than the absence of guns?

England is also held up as a good example to follow, gun-wise. However, we quit being English two hundred years ago. We got tired of saying, "Yes, My Lord, No, My Lord", and decided on an independent existence. The frontier influence which helped make us what we are today was not present in England. The frontier did not disappear in 1910 as stated by some historians, but is still with us in Alaska, the continental shelf, the sea-bottoms, and even the moon. We have evolved as a different people than the English or the Japanese, more independent in thought and less subservient to established authority.

Switzerland is another good boy on the block with a low crime rate but is usually not quoted by those who associate guns with crime. To do so would blow the gun-crime association theory into small pieces. Every Swiss male of military age keeps his service weapons and ammunition in his home, ready for instant mobilization. This availability of firearms does not contribute to a high crime rate in Switzerland. The same can be said of my native state of North Dakota. With guns readily available, we have the lowest crime and homicide rates in the United States.

In conclusion, I believe that all the concerned people who are trying to get a handle on the crime problem could do so more effectively by considering social factors rather than guns. The crime problem is complex and it is wishful thinking to believe that a simple solution such as gun control or even confiscation will solve even a small part of it.

Such gun laws will punish a huge geographical area of the United States and would likely have little effect on the high crime metropolitan areas they are meant to help. Thank you.

---

#### NORTH DAKOTA RIFLE AND PISTOL ASSOCIATION

There are many thousands of firearms laws in force at Federal, State and local levels throughout the United States. Numerous additional laws are proposed and some are enacted every year. The majority of such laws are intended to prevent or reduce the incidence of violent crime. However, virtually all such laws are directed toward the inanimate object used in the crime—the firearm—rather than toward the deterrence and punishment of the criminal misuse of firearms. The widespread increase in violent crime throughout the United States and in many other nations clearly demonstrates that such firearms legislation cannot successfully prevent or reduce violent crime.

Accordingly, the NDR&P opposes any proposed legislation, at any level of government, which is directed against the inanimate firearm rather than against the criminal misuse of firearms.

The NDR&P also takes the position that the attempt, whether by legislation or regulation, to outlaw certain kinds of handguns by employing size, metallurgical or similar standards or characteristics is arbitrary and unsound. Such legislation is ineffective in the prevention or reduction of crime and ignores the crime deterrent effect of the possession of firearms by law-abiding owners.

The NDR&P is wholly dedicated to the reduction and prevention of crime, but legislation against firearms rather than the criminal misuse of firearms is both unneeded and counter-productive. Such firearms legislation further burdens the vast majority of law-abiding firearms owners, and results in im-

mense waste of resources and diverts public attention and support from truly effective crime control efforts.

Resolved, by the NDR&P Board of Directors, at Bismarek, North Dakota, December 8, 1974, to be appropriately publicized as a guide for further NDR&P legislative activities.

OLIVER USHER,  
*President.*

DENNIS L. COULTER,  
*Secretary.*

Mr. CONYERS. We appreciate your remarks and so do the other people in the audience. Let me turn now to the legislative representative from Oregon, Mr. Larry Perry. Welcome, why don't you take a few minutes to add anything that is different from the previous testimony.

Mr. PERRY. Mr. Conyers I would imagine that the reason that I was asked to appear before this Committee is because I have been pounding a drum for many years also, but the drum I have been pounding is the one based on education. In the testimony that I give here I established what I thought to me and to most Americans is the moral foundation for defense of life; but at the same time I recognize moral and legal obligations to the rest of society by gun owners. In the program that I put on, although at that time it was specifically for women with the North Bend, Oregon, Police Department we taught these 300 women not only how to use handguns but when and we impressed upon them the moral and legal obligation of firearms ownership. Now there may be a misconception by some males who might have little chauvinistic tendencies that the only people who should handle firearms are those who are male in stature, but let me impress upon you that when we challenged the North Bend Police Department to a combat pistol match the man who was the chief of police would not allow his men to be embarrassed. Now the only thing that makes a police officer capable of handling any firearm that he has safely is the training that he receives and the only thing that makes any person in this world capable of handling a firearm safely is the training he receives. It is not the fact that you put a badge on him or a blue uniform, it is the educational process that the individual receives with that particular tool that he is taught how to use. At the same time that you are teaching people how to use firearms you build a deterrent factor to crime.

In my testimony that I have given this committee I cited the instance of the lowering of crimes of violence in the city of Orlando, Florida, in the mid-1960's. The only major city in the United States that had such a decrease in crimes of violence. In that city 600,000 women were trained by police department and military personnel in the use of firearms for defense of their lives and it was published. It served due notice to the criminal element in that society that these people were trained. Now the criminal gets a gun to get an edge. He does not go into his occupation with a death wish. He doesn't go out and try to commit suicide by crawling into our local FBI agent's window or a policeman's window. The honest citizen in this Nation, the person who would go to a police department and receive an educational program is an added deterrent to



crime. If we cannot accept that philosophy then we better get rid of some of these missile sites because there is no difference between any individual or any nation when you are attacked. A nation that is attacked defends itself and an individual is just the same. The morality for this is the same.

Mr. CONYERS. There are a number of congressmen who would like to reduce our international commitment to nuclear weapons and I happen to be one of them. On that point I agree with you completely.

Mr. PERRY. I would like to reduce some of the 280 million Communists that are training in a military atmosphere in places like China, Russia, Poland, North Korea, and other places because unlike the courses that I put on for youngsters in the public schools system of Oregon which teaches the responsibility of firearms as far as hunting is concerned or loss of life including wildlife or the courses that are put on to teach people how to go out and defend themselves, not to go out and ambush their neighbor walking across the lawn but after everything else has been exhausted and in the court of last resort has to resort to the use of firearms in defense of their own lives these people are being trained in a military—

Mr. CONYERS. But you wouldn't want to reduce them from—you don't mean eliminate them?

Mr. PERRY. Eliminate what?

Mr. CONYERS. You said you would like to reduce the number of people in Communist countries, you don't mean eliminate them?

Mr. PERRY. No; if I would have meant eliminate, I would have said eliminate.

Mr. CONYERS. How do you go about reducing the number of people in other countries?

Mr. PERRY. I can't; my communications with the Soviet Union have been very good. I have no way of reducing it. I would like to see it reduced but I don't have any way. It is following a philosophy of militarism that has been building up since the end of World War II. Now the only information that we have on China came from the first journalist, who was a Swiss, in 1962 which was on one of the major networks which proclaimed that there were 200 million in the militia in China today. Now we have additional information since that time that has established that the Chinese Army that the American forces faced in North Korea is a far cry from what it is today.

Mr. CONYERS. Do you relate that problem with the arms question we are discussing inside the United States?

Mr. PERRY. To an extent, yes. In the State of Oregon where I live the only deterrent factor is the gun owner in that State because there is no military presence.

Mr. CONYERS. There isn't?

Mr. PERRY. Unless you consider 2,500 National Guardsmen a significant military presence.

Mr. CONYERS. I am going to bring this to the attention of several of my colleagues from Oregon who I think will want to know this right away. You have communicated this to your Senators and Congressmen?

Mr. PERRY. Yes; I know Mark Hatfield and Bob Packwood personally. I have tried to engage Senator Hatfield several times on



this concept of the all-volunteer army as far as the military stature of our State is concerned because I am concerned about it. The county commissioner for the county of Coos Bay recently made a tour of our defense structure in the Pacific Northwest and found that of the seven interceptors at Portland International Airport four were kept for parts for the only three that would fly. Now I live on the Oregon coast and there is no defense otherwise the people in Oregon could see it.

Mr. CONYERS. I didn't mean to get into this colloquy but assuming that this State of our Union is defenseless do you see citizens arming themselves as being some deterrent?

Mr. PERRY. No; we have 500,000 people in the State of Oregon who buy hunting licenses every year, these people are a factor Mr. Congressman. Nevertheless, in fact I believe it was a person in the Federal Government who made the statement in World War II that the Japanese would have hard sledding with the invasion of the West because everyone had a firearm in their home. Now I am not claiming that these people are combat soldiers, they are deer hunters. But as any old deer hunter can tell you whether you use a rock or a slingshot or a bow and arrow or a 7 mm rifle to kill a deer, dead is dead and since we have no army in that State a lot of concerned citizens would in a time of national emergency take up their arms to defend that little piece of real estate that we live on and call home.

Mr. CONYERS. Well, I didn't realize that we were going to slip into international questions of this magnitude but we are hearing all points of view as we move around the country. Do you suppose the people in your State share the views you have expressed here?

Mr. PERRY. I have expressed these views on radio programs for many years. As the information has come to me I have allowed it to go out to the public. I have also had public speaking engagements before the Rotarians and different social organizations and educational groups. The educational program that I have stated in the school system is not a military program but if I stated that there was not a deterrent factor to it, then I would also be telling a lie to this committee because there is, but the responsibility with firearms is the primary purpose of education. If we are going to reduce deaths with firearms in the United States then let's have intelligent educational programs so that we can avoid the accidents that every legitimate owner in the United States today feels very badly about. I feel much closer to a firearms accident or the misuse of a firearm than probably many people who don't own them because I recognize the potential threat to my rights and freedom and yet I can recognize the benefit that I am to society. Now this gets down into an individual basis. To quote an example of how a civilian can contribute to his police department, a short time back there were two men with concealed weapons in a public place in North Bend, Ore. The police department, because they have very few police officers and most of them were busy, sent out one man. I am not a police officer but I went over to the local store where they sold firearms, procured a weapon and had the police officer load it and backed that police officer up. As it turned out it was not a dangerous incident, they were off-duty police officers from Los Angeles, Calif. but when

people asked why did you get involved, you are not a police officer, I stated because the law is everyone's business and pittance in pecks does not do away with the individual's responsibility.

[Statement of J. Lawrence Perry follows:]

STATEMENT OF J. LAWRENCE PERRY, OREGON STATE RIFLE AND PISTOL ASSOCIATION

Mr. Chairman and Committee Members: It is a pleasure to be testifying before this committee today. I am both gratified and humble to have been asked by my peers to appear before this committee on behalf of the sportsmen and gun owners for the State of Oregon.

I am not going to deluge the committee with the usual statistics . . . but rather stay with the realities of what we feel this committee will be looking for in the way of direction for future legislation or consideration. It has always been the contention of many sportsmen and gun owners in my state that what is needed is a firearm education program, not restrictive legislation. Before explaining the type of programs that gun owners feel would be beneficial to society, I believe it would be proper to establish the moral foundation of the aforementioned program—and this foundation is as old as man. *One:* that every human being born, regardless of nationality, sex or ethnic origin, has the God given right to defend and protect his or her life, and that no person, government, or law enforcement body has the right to negate this right. *Second:* that to deny the means or tools of self defense could, in fact, make a farce of the right.

The officer's pistol is on his person for the same reason that ninety-five percent of the handgun owners buy theirs—to defend his or her life. As yet, I have never seen a policeman's life that was worth more than any other citizen's. But, at the same time, having the right and the means do not give the gun owner the right to constitute a danger to his family or other members of society. The answer is education.

In the mid-1960's, I established a program for women called Defensive Handgun Shooting. This program was started with the full cooperation of the North Bend, Oregon Police Department, whose officers assisted me in the program's preparation and execution. Over the next two semesters, three hundred women attended this course. These women became qualified not only in the use of handguns, but familiar with the legal and moral obligation of firearm ownership and use.

The gun owner can become an added deterrent to crime if given the opportunity. Every police department in this nation should provide similar programs, and they should be covered by the "media". A program such as this was given in Orlando, Florida in the mid-1960's; that city was the first to show a decrease in crimes of violence. This could be done in all communities in our nation. The government of this country should encourage firearm ownership and education. The law is everyone's business, and a program of this type would also promote a close relationship between citizens and their respective police departments. However, there are laws that should be instituted to cover the misuse of firearms in crimes of violence such as murder, assassination, kidnapping, armed robbery and rape. There should be a much harsher penalty for the use of a firearm in the commission of a crime, in addition to the penalty for the crime itself, with no parole or plea bargaining. It is both repugnant and unacceptable to the gun owners of the state of Oregon to be policed or treated as potential criminals. Gun registration or licensing of gun owners will not keep the criminal from his trade, nor will the laws which discourage the honest citizen from obtaining firearms prevent crime. If government wishes to be trusted, it must trust its people.

In 1970, with the help of legislators and the superintendent of Education for the state of Oregon, and with help from the National Rifle Association, I was able to start a program in the public school system at Marshfield High School, Coos Bay, Oregon. The name of the course is "Outdoor Citizenship Education", and is a fully accredited elective course which includes hunter safety, marksmanship, survival, extensive first aid, conservation, and most important, self reliance and responsibility. This program is now in three school districts in southwestern Oregon, also in Victoria, British Columbia, Canada. Although many have praised the program, it is still not as extensive

as I would like it to be. Where it is now being taught as a semester course, it should be a progressive field of education.

The potential of this program is the end of hunting accidents, a dramatic decrease in wounded wildlife, and provides a far stronger posture for national defense. The most important aspect of the program is that it teaches people responsibility with firearms, which is what all sportsmen and gun owners are striving for. It would be nice to receive some help from government, instead of having to defend ourselves from government.

There is one other item that should be mentioned at this time, although it does not deal specifically with handguns or crime. While the gun owners of the United States are defending their rights to own firearms, in the communist countries of the world today there are approximately two hundred and eighty million people being trained in marksmanship, starting at the age of eight years old. Their training is not for self defense or hunting, the aim is strictly military, and although the training starts with air rifles, by the time these youngsters are in their teens, they are using the military rifle, machine guns, and various other military hardware. Maybe the lawmakers in this country should take a careful look at what is going on in the rest of the world.

According to NBC's "Gnomes of Zurich" (Switzerland), it was pointed out by the commentator that there were only eight people in prison, and that the Swiss have enjoyed two hundred thirty six years of peace, and yet, the modern assault rifle in every home. So much for the argument that the availability of guns cause crime.

In conclusion, I wish to thank this committee for the opportunity to testify before them today, and I would be happy to answer any questions about the programs mentioned herein.

Mr. CONYERS. Let me turn now to the representative of the host State, Mr. Richard Pope who represents the association here in the State of Colorado. Would you take a few minutes to elaborate on any points that have not been sufficiently covered.

[The prepared statement of Richard J. Pope follows:]

STATEMENT OF RICHARD J. POPE, PRESIDENT, COLORADO STATE RIFLE AND PISTOL ASSOCIATION

Mr. Chairman and Committee Members: Today I would like to comment on only a few aspects of the controversy between handguns and crime.

First of all, it has been advanced time and time again that in order to reduce crime, especially violent crime, in this country, it is necessary to enact stricter, more restrictive, gun legislation. My comment on this aspect is that nowhere has such restrictive legislation proven to be effective in reducing crime. It seems obvious to me that what is necessary is a more rigid enforcement of the existing laws relating to crime, and a greater certainty that the perpetrators of violent crimes, particularly those utilizing a handgun, will have to serve out their prison terms without probation. It is clear to me that to further harass legitimate gun owners with ineffectual waiting periods, lengthy applications, and the like, in order to get at the guilty, is penalizing the innocent. The criminal will always be able to get a handgun, or any other weapon he chooses, and certainly would never consider registering it.

Second, it has been proposed that only the cheap handguns be outlawed, since they are used in many crimes. My comment is that again the criminal will be able to get any weapon he desires. Also to make the cheap handgun unavailable to the public, is to discriminate against persons in the lower socio-economic classes, since they would be unable to purchase the only means of self-defense within their financial reach.

Finally, I would like to mention that the United States Constitution clearly states that each and every individual has a *right* to keep and bear arms. To take away that right is to take away his means of self-defense and ultimately his life.

Mr. POPE. Thank you, Mr. Conyers. Today I would like to comment on only a few of the aspects of the controversy and perhaps one of these has already been covered, but it is short and I will cover

them anyway. First of all, it has been advanced time and time again, that in order to reduce crime, especially violent crime in this country, that it is necessary to enact stricter, more restrictive gun legislation. I don't feel that anywhere in this country has such restrictive legislation proven to be effective in reducing crime. It seems to me that what is necessary is more rigid enforcement of existing laws, at latest count I hear there are over 20,000 across the country related to crime and a greater certainty that the perpetrators of these violent crimes, particularly those utilizing handguns will have to serve out their prison terms without probation. It is clear to me that further harassing legitimate gun owners with extensive waiting periods, lengthy applications and the like in order to get at the guilty is penalizing the innocent. Of course the criminal will always be able to get a handgun or any other gun he desires and certainly would never consider registering or applying for it. Second it has been proposed that only cheap guns, cheap handguns be outlawed since they are used in many crimes. My comment is again that the criminal will always be able to get the weapon or any other weapon he desires. Also I believe personally that there is some racial discrimination involved because to make the cheap handgun available to the public the persons in the lower social economic classes will be unable to purchase the only means of self defense they can afford since they are cheap and finally it's clear to me that the United States Constitution states each and every individual has a right to keep and bear arms and to take away that right is to take away his means of self defense and ultimately his right to life.

Mr. CONYERS. Well, I appreciate your solicitude for poor people, especially minorities who can't afford expensive handguns. Let me open the questioning with Mr. Mann.

Mr. MANN. Mr. Perry you recommend and have brought into practice, education in the use of handguns and in order to increase responsibility for the owners of guns—do you believe that that sort of a movement is going to be widespread across the country without governmental assistance?

Mr. PERRY. I think you gentlemen of the commission have the power to bring about through legislation the effects of what I have been discussing. I think there are probably very few police departments who don't receive Federal aid and I am sure that the judicial committee here has some authorities with Ways and Means on where that money goes too. I'd like to see a voluntary program of local police departments that will work with the people in their respective community and with the National Rifle Association. They would be more than happy to help in setting up the programs. They are not as complex and difficult as some people would think.

Mr. MANN. Well let's assume that it is a worthwhile program but I think you and I can agree that a universal program across the country is unlikely without some governmental urging even a conditional grant that you somewhat implied.

Mr. PERRY. I think that some of the police departments, most of the policemen I have met—and I have to go on a personal basis on this, I have been in law enforcement at one time both in counter-intelligence in the United States and the military police prior to

that and a reserve police officer after that and I worked with police officers for several years so they personally equated with our county sheriff and various police chiefs in my own community. I feel that we can set up programs of responsible firearms handling and education. I don't believe that you are going to have one criminal walk into a police department or a police range anywhere in this Nation to receive training and I think there are a lot of police officers who would be glad to volunteer their time. We never have a shortage of people to help. I think it is a matter of getting the message out, let's get together, it is not those police and us civilians, let's get together and fight crime.

Mr. MANN. What would you think of the idea of local or State or Federal requirements that a condition of ownership would be appropriate training?

Mr. PERRY. I would object to a condition of ownership but I would certainly accept it as a condition of carrying a concealed weapon.

Mr. MANN. Well you know we apply that condition of ownership, operation, to automobiles?

Mr. PERRY. But we have very few elderly people who are unable to drive who still want to retain the right. This type of course necessitates a fairly healthy individual, not necessarily a young one. I had women from 18 to 80 in my course but at the same time I imagine that there are some people who are bedridden who couldn't take a course of this kind and I would not want to be discriminatory against disabled Americans for not being able to come and take this type of course.

Mr. MANN. Well the real question is not to think that we are incapable of rendering the training but is it important enough for a gun owner to have that sense of responsibility that comes from many directions, that you it indicates, it does not come from an ability to understand and use the weapon, it comes from an understanding of what that provision in the Constitution probably means. All of those things go into the making of responsible gun ownership and let's address ourselves to the philosophical problem. What's wrong with requiring that sort of—

Mr. PERRY. There is nothing wrong with requiring an educational program. Frankly there are many gun owners who feel this is very good that you should do. However, I am an expert pistol shooter. Now because I am an expert pistol shooter it would be very difficult for me to tell a person who does not handle a handgun as well that because of my expertise that I have the right to defend my life and he doesn't. I believe that a volunteer program entails from the Government to the people a degree of trust and I do feel that it is necessary that the Government display to the people of the United States a degree of trust. Lord knows in the last few months people in all aspects of the legislative have been asking the people of the United States to trust Government. So I think that there is a two-way street there.

[Applause.]

Mr. MANN. What do you see given your concern about the effect of our homeland and the effectiveness of the citizens in doing so, what is being done in Oregon for instance in the civil defense. Is

civil defense playing some role in conveying that idea to the people or organizing or training?

Mr. PERRY. Congressman the type of educational program that I have, I think I should establish immediately right now does not train armies. Armies follow leaders. They accept philosophical ideology or orders. They are organized into units. What we train in the outdoor citizenship training program is individuals. I don't feel that it is necessary for me to tell any American how to be a good American. What I try to install in youngsters is a sense of responsibility, a high attitude of skill, total self reliance on one's self, not an organization, not a philosophy or ideology, what we train our people to be is individualistic and as responsible at the same time as possible, and depend then as on the trust that I talked about in a grave time of national emergency that this person's patriotism would come forth without me going and telling him how to be a patriot. The first thing is that I first of all don't want any American to have to defend these shores. I would like to see an educational program that would provide a deterrent factor and there are enough Americans to provide this program, 16½ million as compared to 790,000 which makes up the U.S. Army today of which half is in foreign countries and of which one one in five in the United States Army actually does the fighting. It takes four people logistically to support one man in the line. If you broke it down statistically—

Mr. CONYERS. The time for this panel has expired but I am going to allow you to finish your comments before we move to a different panel.

Mr. PERRY. I'm sorry for getting on my soapbox here Mr. Chairman, and I apologize for taking too much time.

Mr. CONYERS. You really haven't taken more time. We should have allowed more time for you, but we originally had scheduled 2 days of hearings in Denver that we were forced to compress into 1 day. So it is with some reluctance that I do this because for the first time we are beginning to slip behind in the program. I want to thank you all for your testimony. It is very unique and individual and I appreciate it. We will study and examine your statements carefully and include them in our findings and deliberations.

Mr. McCLORY. Would the chairman yield to me for just a couple of comments for just about a minute?

Mr. CONYERS. Yes; if I can take it out of your time for the next panel.

Mr. McCLORY. Yes; I want to reassure Mr. Lavachek for one thing that I for one don't regard this as the cure-all for the crime problem in America. I quite agree with what you have said that the subject of, for instance, closing of loopholes in the existing laws to prohibit the manufacture of the domestic manufacture of a gun that we prohibit in so far as its importation is concerned—the problem of trying to make the penalty tougher for first offenses with firearms and a number of these other things are a part of the overall subject plus all these other things that you have mentioned. I don't disagree with them but it is appropriate for, in the attack against crime, to include the problem of Saturday night specials. The question of lack of control or lack of uniformity, abuses and I think even the subject

that is raised by Mr. Perry is an important one. I know that many police departments don't let their police officers go out on the street with a gun unless he has maybe 3 or 4 months of training with the gun and yet you walk into a store and a woman without any training at all is permitted to purchase the firearm and I think that the statistics we received already Mr. Perry are that generally five and six times as many people injure themselves or their own families with those firearms instead of the intruder for whom they intended the gun to be used. Those are subjects to come to my attention as I entertain this testimony and I did have one thing as far as Mr. Pope was concerned Mr. Chairman but it relates to the Saturday night special since the testimony shows that the Saturday night special wherever manufactured is a serious problem right here in Denver and most hunters and gun lovers wouldn't have the gun and are satisfied with the 1968 law that outlawed its importation and the question I raise is why shouldn't we outlaw the domestic manufacture for something we prohibit from being imported.

Mr. CONYERS. Let's let Mrs. Peterson give the answer.

Mrs. PETERSON. I want to address my comment to Mr. McClory. You comment that the people who are not knowledgeable about them injure themselves. Mr. McClory is that why we are afraid to walk the streets at night because these people might injure themselves?

[Applause.]

Mr. McCLORY. My interest in this is not against a homeowner who may, the husband who may shoot the wife or the wife who may shoot the husband or whatever. I mention that because if we are thinking about the danger which comes from the lack of education about the use of the firearm—there is a lot of danger to the individual but I think in order for the person to purchase the gun for his or her own defense it would be important as a condition of it to be sure that the person knows how to use it. We want it to be used against the criminal but not against the person himself or his own family.

Mrs. PETERSON. We couldn't agree more.

Mr. CONYERS. Thank you very much. I know that this could go on but I have to move our panels along. We appreciate your appearance here.

Mr. PERRY. Mr. Chairman I will make myself available to the members of this commission after the hearing if you have any further questions.

Mr. CONYERS. Well, for anyone who would want to get ahold of you I am sure that they will do so. I would like to call now Dee Helfgott the chairperson—that usually means a woman—for the Coalition for Handgun Control of Southern California, Inc. I personally refer to a female chairman as chairwoman and also Mr. James B. Sullivan, board member, National Council for a Responsible Firearms Policy, North Dak. We welcome you here and note that you have been observing the testimony as it has proceeded. We invite you to make any comments you might have about anything that has gone on before you. Your statement will be entered into the record and that will give you maximum time for our discussions up until 12.



**TESTIMONY OF DEE HELFGOTT, CHAIRPERSON, COALITION FOR  
HANDGUN CONTROL OF SOUTHERN CALIFORNIA, INC., ACCOMPANIED BY JAMES B. SULLIVAN, BOARD MEMBER, NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY, NORTH DAKOTA**

Ms. HELFGOTT. Thank you Mr. Chairman. I would like to thank you for the opportunity to address this distinguished subcommittee. My name is Dee Helfgott and I am the coordinator of the Coalition for the Handgun Control of Southern California, a Los Angeles based group of concerned citizens and organizations dedicated to the elimination of private ownership of handguns. I am here today to urge you to enact Federal legislation to accomplish this goal. I would like to just add that Mr. Joseph Cotchett sends his regrets that he was not able to be here today representing our southern California group, but in addition to being a member of that, he is vice president of the California State Bar Association and had to remain in California. I would like also to state that on Friday the coalition sent a press release with regard to President Ford's recent gun control proposal. We feel that he did not adequately deal with the total handgun tragedy in our country; that by outlawing only the Saturday night special he is dealing with less than 25 percent of the 40 to 50 million handguns in circulation. I would like to tell you something about our coalition. We are a group of approximately 2,000 citizens and over 25 community and religious organizations. We are affiliated with the California Coalition for Handgun Control with several thousand members throughout the State. Together, we represent the first major handgun control coalition in California since the murder of Senator Robert F. Kennedy in 1968.

Currently we are working closely with members of the California Legislative Leadership in an effort to enact a law which would ban virtually all private ownership of handguns in our State. We are confident that with the growing support behind our efforts, we will succeed. That legislation, soon to be introduced, is being sponsored by Assemblyman Alan Sieroty, chairman of the assembly justice committee, and Senator Nicholas Petris, vice chairman, Senate Judiciary Committee. It would prohibit the ownership and possession of handguns, except for law enforcement officers, members of our armed forces while on duty, and certain types of security guards. Owners of antique guns which have been made permanently inoperative would be exempted, as would pistol clubs whose weapons are used only on the premises under tight security. On the Federal level we are supporting legislation such as the Hart-Bingham bill. We believe that this approach is essential to end the ever-increasing toll of violence perpetrated by owners of handguns.

Why all the concern? Why the sense of urgency? In 1973 the handgun was the weapon used in 53 percent of all homicides committed in the United States. According to the FBI, 95 of the 132 law enforcement officers killed in 1974 were killed with handguns. The number of handgun murders has almost doubled since 1967 when there were 5,500 murders by handguns and in 1973, as I just stated, 10,340 handgun murders. It is said that every 2 minutes



someone is killed or wounded by a handgun and that every 13 seconds a handgun is sold in our country. During the period July 1, 1973, to June 30, 1974, 211 firearms were confiscated in the Los Angeles schools and 26 shootings occurred. Most of these guns were handguns. Many were taken from homes. Most murders, 73 percent, are committed impulsively by previously law-abiding citizens during arguments with family members or acquaintances. This fact has already been discussed today. A readily available handgun is what turns an assault into a murder. The handgun, often kept in the home for self-defense, is six times as likely to be used against a family member as it is to be used against an intruder. Therefore, the feeling of security is an illusion. With 40 to 50 million handguns in circulation now, and with a proliferation rate of 2½ million handguns a year, the only way to stop this carnage is to severely limit the possession of handguns.

There is a growing demand for action. As Congressman John Conyers stated in the June 10 issue of the Wall Street Journal: "The whole issue of murder by gun has become personalized." This certainly describes my own involvement. Like too many other Americans my own life has been touched by traumatic gun experiences. My husband was a victim of three armed robberies in our pharmacy. The third robbery was a long, tense, trauma which turned my fright to determination. This happened 1 year ago in May. Earlier in the day my husband called the narcotics squad because he was trying to apprehend prescription forgers. The police sent two plainclothesmen to the pharmacy. One was inside and the other outside the pharmacy. Instead of the suspected forgers returning, a young man appeared and asked our clerks questions about cough syrups. At this point my husband stepped down from the raised pharmacy level in order to assist the man and a 45 automatic was drawn. When the gunman asked who else was in the pharmacy my husband responded a friend is in the back room. At that time our clerk and my husband were forced at gunpoint to the back room. As they neared the back room the officer attempted to unzip his jacket and reach for his gun but the robber said, stop or I'll blow his head off—meaning my husband's head, searched the officer and the—when the gun and badge came into full view all three hostages feared for their lives. No shot was fired. The gunman then ordered the officer to tape the wrists and ankles of our clerk and had my husband tape the wrists and ankles of the officer. He then ordered my husband to give him not only the narcotics but demanded many drugs and a larger box which he filled with gallon bottles of cough syrup. He then taped my husband's wrists and ankles and left. At that point the officer ripped his tape off and fled through our back door, down the alley, joined four other officers outside waiting and apprehended the gunman.

The psychological impact of this experience is still being felt today. Many sleepless nights ensued for both of us—reliving this frightful experience. It was difficult for me to enter the pharmacy after that for I would see my husband's apprehensive look whenever someone entered the pharmacy he didn't recognize. Suddenly everyone looked suspicious. These feelings of apprehension continue even now, a year later. And I have to add a personal note that it is very

difficult to watch someone who has worked hard at his profession, who's dedicated, to stand in fear for his life every day. I went to court with my husband and I saw the gunman, 21 years old. I saw his parents. Many thoughts went through my mind—this was the person who might have killed my husband. I looked at the parents who were agonizing over their son's first armed robbery offense. I looked at the officer who was still amazed he was alive to tell his story. How many lives were touched by the combination of this man and a handgun—a handgun which is so accessible in our society. I lamented for the violence in our society and wondered how I could help. I might state that this was not a Saturday night special.

I became convinced that I must translate my concerns and my feelings into action and working out of my home and with the cooperation of my husband and two children, I joined with other leaders of my community and formed our coalition. Since that date almost a year ago, we have grown to several thousand strong with chapters in both southern and northern California. We have the support of many prominent religious, civic, and political leaders. We have the support of California legislators such as Senator John Tunney, Congressman Alphonzo Bell, Congressman Thomas Rees, and State legislators such as Assemblyman Alan Sieroty; Speaker of the Assembly Leo McCarthy; Assembly Majority Floor Leader Howard Berman; and Democratic Caucus Chairman Julian Dixon.

Recently the U.S. Conference of Mayors sponsored the first national forum on handgun control in Los Angeles. This forum was the result of the USCM's strong policy position on handgun control which calls for a total ban on the sale, manufacture, possession, and distribution of handguns through private citizens. The problems of handguns in our society was explored by experts from around the country.

Los Angeles Mayor Tom Bradley, in his welcoming address, labeled the handgun public enemy number one, saying:

I believe there are salient reasons why we must act now finally, act to eliminate unnecessary nightmares that come out of the barrels of easily obtained handguns. I'm convinced that if we are really serious about controlling violent crime, if we are really serious about controlling the destructive delinquency in our schools, then we must insist on controlling firearms. Government already controls such dangerous firearms as machine guns and flame throwers and now we should handguns to the list.

At this same forum, Sheriff Peter J. Pitchess, whose strong stand on the banning of handguns is well known, said:

If we don't stop this deadly proliferation, this country will become a jungle, a nation armed to the teeth with only those with the fastest gun surviving.

At another occasion a memorial service in honor of eight law enforcement officers who died in the county in the line of duty, Sheriff Pitchess, appealing for a ban on private ownership and possession of handguns, stated:

Handguns were made for only purpose, to kill—and we seem to have lost all respect for human life.

The Los Angeles Times, June 18, Letters to Editor, included a statement by Joseph D. McNamara, chief of police, Kansas City,

Mo., saying that he is in complete agreement with his good friend and colleague, Sheriff Pete Pitchess. He writes:

I hope that this will be the year that the United States will take rational action to control the manufacture, distribution and possession of handguns in the public safety.

Recently the Los Angeles Bar, in conjunction with the San Francisco Bar Association, called for a comprehensive ban on handguns stating that:

If we have a reverence for human life, we will not equivocate or temporize.

Media support in California is increasing daily. Radio and television editorial continue to urge Congress to ban the private ownership of handguns. The Los Angeles Times had no less than seven editorials in the last 6 months all stating that a ban must be imposed against handguns because the Nation's homicide rate continues to rise and the easy availability of the murderist handgun is a significant factor. As the March 30 editorial says:

The longer we delay, the longer will thousands of victims pay with their lives for our neglect.

Earlier this month the Sacramento Bee editorialized that President Ford and Congress clearly have an obligation to respond to public demand and rescue the country from the rising tide of gun-crazy violence. Failure to do so will only mean more guns and more deaths by the thousands.

The Sacramento Bee as well as the Wall Street Journal on June 10 talked about the surge of public concern and the spread of citizen's demands for action. Although just a few years ago there was only 1 ongoing group advocating effective gun control, today there are over 12 groups around the country calling for action. We expect more groups to form in the near future. What we are trying to do is to accomplish a radical reduction in the tremendous number of deaths and injuries and sufferings caused by handguns across the country. Only a ban on private ownership and possession of handguns can accomplish that goal. The tremendous pool of 40-50 million handguns must be dried up—the manufacture of these deadly weapons must be stopped. In countries where handguns are severely restricted, homicides and other violent crime rates have dropped far below ours. An example is Japan, where private ownership of handguns is virtually banned, the crime rate continues to decline. In Tokyo—11 million people—where it is illegal to own, possess, or manufacture handguns, there was only one handgun homicide reported in 1971. Contrast that with Los Angeles County—7 million people—where 308 handgun homicides were reported. In Japan as a whole, in 1973 there were 28 murders involving handguns. With about twice the population, the United States had over 10,000 handgun murders in 1973. We are not saying that a handgun ban will eliminate all violence, but we do believe that limiting the private ownership of handguns will result in a reduction of violence in the United States. The associated death and crime rate will decrease as the accessibility of handguns diminishes. We can no longer tolerate the murders, robberies, assaults, suicides, accidental deaths, and injuries caused by handguns.

We urge this committee and indeed the whole Congress to take strong, positive action calling for legislation to eliminate the handgun from private ownership in the United States. Citizen action groups across the country are prepared to join you in this struggle. We urge you to take this vital step now.

Mr. CONYERS. We appreciate your very deep and moving statement. Mr. Sullivan, we have only a limited amount of time for your statement. We are going to 12 noon with this panel and probably will not have time for any questions.

Mr. SULLIVAN. I am very grateful to be here. I have never been more proud as an American citizen than during the impeachment hearings last summer in which you gentlemen participated. America's unique gun crime problem is caused principally by America's unique position on gun procurement and the casual attitude on gun possession. There are no real obstacles to anyone's accessibility to a gun. There is insufficient citizen concern about gun care or gun disposal. The number of firearms in civilian hands may be almost one per capita. We are as careless about controlling our guns as we are about keeping them. We are far more hazardous toward each other in our homes than we are toward intruders. We leave guns acceptable to thieves, youngsters, and other relatives and acquaintances who often use them in a rage, a threat or a dare. We either forget where a gun is or whether it is loaded. We sell a gun to someone we don't know. The chance of correcting all of this is slight unless we start reducing this bulging arsenal, reduce gun deaths, reduce gun disabilities, gun robberies or crime costs. We have no other significant option. More sources of danger produce more substance of danger. Mandatory or longer sentences would not bother the uncaught, the unhinged or the unaware nor would better child upbringing or better housing or improved psychiatric care solve today's problem soon. Nor would additional police or judges or new prisons appreciably cut gun crime. If we choose not to control guns and ammunition as the rest of western civilization does we are not serious about the problem. If we never govern the tools we will always pay the toll. Our oppression and delinquency have been with us for the 40 years that the public has favored licensing and registering, rejected last week by the President. Shooting violence on the screen is not new. Only the real guns have multiplied and the real violations. Owner licensing would disqualify the dangerous from lawful ownership of guns and ammunition. It would deter the licensed from deals with the unlicensed. It would make one reappraise his actual gun needs and desires. It would promote surrender of weapons that are only family liabilities or burglary risks. Banning Saturday night specials should be a national priority. Restricting other types of handguns in urban areas of specified population, to police, security people, gun clubs and persons of proved protective needs would stifle much gun crime.

Registration of all guns would strengthen the safe keeping, discourage lending and improve recoverability of stolen or missing guns. The cost of gun crime is concealed in America's tax bill so few citizens consider it as realistic as a debt to a doctor or to a mortician. Gun crime does come back to us in law enforcement assistance,

welfare departments, workmen's compensation, medical payments, medical insurance, police costs, court costs, prison costs, business and property losses, merchandise, price rises and payments to victims which may become more common since the President proposed awards up to \$50,000 to victims in his message the other day. We protect the public from explosions, poisons, narcotics, switchblade knives and even fireworks. We will hardly think about a deadly, tempting, sensitive firearm to buy, one used in our sleep, in the dark with guess work. Instead we have apprehended no one and end up shooting one of our own. Thank you, sir.

Mr. CONYERS. Very good. Counsel Gekas has detected a different approach here and he wants to explore it.

Mr. GEKAS. Thank you. Mrs. Helfgott, you avoided the total banning of a private possession of handguns?

Ms. HELFGOTT. Yes, sir.

Mr. GEKAS. And Mr. Sullivan your position?

Mr. SULLIVAN. Similar to the Attorney General's thought which I had on paper a few days ago. It is a little different, it is a regional thing. I suggested—maybe it is just a throwout, but a population center, city center of 100,000 minimum plus outside of the suburban population a ban in the homes except—and in the shops except for people who apply for the license and of course police and clubs and so on, not a national handgun ban.

Mr. GEKAS. Your general approach however can be summed up as registration and licensing?

Mr. SULLIVAN. That has been the policy of the National Council for Responsible Firearms policy which I do have to follow specifically. I am not on the executive committee, I am on the board and Mr. Steinberg sets up the policy of the committee. In other words I favor State registration instead of national registration.

Mr. GEKAS. State registration and licensing of all firearms?

Mr. SULLIVAN. Federal and State licensing of all guns that are permissible, yes.

Mr. GEKAS. Thank you very much.

Mr. CONYERS. Mr. Mann.

Mr. MANN. No questions.

Mr. CONYERS. We appreciate your coming before us, thank you very much.

[The prepared statement of Ms. Helfgott follows:]

STATEMENT OF DEE HELFGOTT, COORDINATOR, COALITION FOR HANDGUN  
CONTROL OF SOUTHERN CALIFORNIA, INC.

Gentlemen, my name is Dee Helfgott. I am the Coordinator of the Coalition for Handgun Control of Southern California, Inc., a Los Angeles based group of concerned citizens and organizations dedicated to the elimination of private ownership of handguns. I am here to urge you to enact Federal legislation to accomplish this goal. I would like to thank you for the opportunity you have given me to address this distinguished Subcommittee today.

First, I would like to tell you something about our Coalition. We are a group of approximately two thousand citizens and over twenty-five community and religious organizations. We are affiliated with the California Coalition for Handgun Control with several thousand members throughout the State. Together, we represent the first major handgun control coalition in California since the murder of Senator Robert F. Kennedy in 1968.

Currently, we are working closely with members of the California legislative leadership in an effort to enact a law which would ban virtually all private ownership of handguns in our State. We are confident that with the growing support behind our efforts, we will succeed. That legislation, soon to be introduced, is being sponsored by Assemblyman Alan Sleroty, Chairman of the Assembly Criminal Justice Committee and Senator Nicholas Petris, Vice-Chairman, Senate Judiciary Committee. It would prohibit the ownership and possession of handguns, except for law enforcement officers, members of our armed forces while on duty, and certain types of security guards. Owners of antique guns which have been made permanently inoperative would be exempted, as would pistol clubs whose weapons are used only on the premises under tight security.

On the Federal level, we are supporting legislation such as the Hart-Bingham bill. We believe that this approach is essential to end the ever increasing toll of violence perpetrated by owners of handguns.

Why all the concern? Why the sense of urgency? In 1973 the handgun was the weapon used in 53% of all homicides committed in the United States. According to the FBI, 95 of the 132 law enforcement officers killed in 1974 were killed with handguns. The number of handgun murders has almost doubled since 1967. There were 5,500 murders in the United States by handguns in 1967. In 1973 there were 10,340 handgun murders. It is said that every two minutes someone is killed or wounded by a handgun and that every 13 seconds a handgun is sold in our country. During the period July 1, 1973 to June 30, 1974, 211 firearms were confiscated in the Los Angeles Schools and 26 shootings occurred. Most of these guns were handguns. Most murders (73%) are committed impulsively by previously law-abiding citizens during arguments with family members or acquaintances. A readily available gun is what turns an assault into a murder. The handgun, often kept in the home for self-defense, is six times as likely to be used against a family member as it is to be used against an intruder. Therefore, the feeling of security is an illusion. With 40-50 million handguns in circulation now, and with a proliferation rate of two and a half million handguns a year, the only way to stop this carnage is to severely limit the possession of handguns.

There is a growing demand for action. As Congressman John Conyers stated in the June 10th issue of The Wall Street Journal, "the whole issue of murder by gun has become personalized." This certainly describes my own involvement. Like too many other Americans, my own life has been touched by traumatic gun experiences. My husband was a victim of three armed robberies in our pharmacy. The third robbery was a long, tense drama which turned my fright to determination. This happened one year ago in May. Earlier in the day my husband called the Narcotics squad because he was trying to apprehend prescription forgers. The police sent two plainclothesmen to the pharmacy. One was inside and the other outside the pharmacy. Instead of the suspected forgers returning, a young man appeared and asked our clerk questions about cough syrups. At the point that my husband stepped down from the raised pharmacy level in order to assist the man, a ".45 automatic" was drawn. When the gunman asked who else was in the pharmacy my husband responded, "a friend is in the back room." At that time our clerk and my husband were forced at gunpoint to the back room. As they neared the back room, the officer attempted to unzip his jacket and reach for his gun, but the robber said, "Stop or I'll blow his head off" (meaning my husband's head); searched the officer and when the gun and badge came into full view, all three "hostages" feared for their lives. But no shot was fired. The gunman then ordered the officer to tape the wrists and ankles of our clerk and had my husband tape the wrists and ankles of the officer. He then ordered my husband to give him not only the narcotics, but demanded many drugs and a larger box which he filled with gallon bottles of cough syrup. He then taped my husband's wrists and ankles and left. At that point the officer ripped his tape off and fled through our back door, down the aisle, joined four other officers outside waiting and apprehended the gunman.

The psychological impact of this experience is still being felt today. Many sleepless nights ensued for both of us—reliving this frightful experience. It was difficult for me to enter the pharmacy after that for I would see my husband's apprehensive look whenever someone entered the pharmacy he didn't rec-

ognize. Suddenly everyone looked suspicious. These feelings of apprehension continue even now, a year later.

I went to court with my husband. I saw the gunman—21 years old. I saw his parents. Many thoughts went through my mind—this was the person who might have killed my husband. I looked at the parents who were agonizing over their son's first armed robbery offense. I look at the officer who was still amazed that he was alive to tell his story. How many lives were touched by the combination of this man and a handgun—a handgun which is so accessible in our society. I lamented for the violence in our society and wondered how I could help.

I became convinced that I must translate my concerns and my feeling into action. Working out of my home, and with the cooperation of my husband and two children, I joined with other leaders of my community and formed our Coalition. Since that date, almost a year ago, we have grown to several thousand strong, with chapters in both Southern and Northern California. We have the support of many prominent religious, civic, and political leaders. We have the support of California legislators, such as Senator John Tnnney, Congressman Alphonzo Bell, Congressman Thomas Rees and state legislators such as Assemblyman Alan Sieroty, Speaker of the Assembly Leo McCarthy, Assembly Majority Floor Leader Howard Berman and Democratic Caucus Chairman Julian Dixon.

Recently the United States Conference of Mayors sponsored the First National Forum on Handgun Control in Los Angeles. This Forum was a result of the USCM's strong policy position on handgun control, which calls for a total ban on the sale, manufacture, possession and distribution of handguns to private citizens. The problem of hand guns in our society was explored by experts from around the country.

Los Angeles Mayor Tom Bradley, in his welcoming address, labeled the handguns "public enemy No. 1", saying, "I believe there are salient reasons why we must act now, finally, act to eliminate unnecessary nightmares that come out of the barrels of easily obtained handguns. I'm convinced that if we are really serious about controlling violent crime, if we are really serious about controlling the destructive delinquency in our schools, then we must insist on controlling firearms. Government already controls such dangerous firearms as machineguns and flame throwers and now we should add handguns to the list."

At this same Forum, Sheriff Peter J. Pitchess, whose strong stand on the banning of handguns is well known, said, "If we don't stop this deadly proliferation, this country will become a jungle, a nation armed to the teeth where only those with the fastest gun survive."

At another occasion, a memorial service in honor of eight law enforcement officers who died in the county in the line of duty, Sheriff Pitchess, appealing for a ban on private ownership and possession of handguns, stated, "Handguns were made for only one purpose, to kill—and we seem to have lost all respect for human life."

The Los Angeles Times, June 18, Letters to Editor, included a statement by Joseph D. McNamara, Chief of Police, Kansas City, Missouri, saying that he is in complete agreement with his good friend and colleague Sheriff Pete Pitchess. He writes, "I hope . . . that this will be the year that the United States will take national action to control the manufacture, distribution and possession of handguns in the interest of public safety."

Recently, the Los Angeles Bar in conjunction with the San Francisco Bar Association, called for a comprehensive ban on handguns, stating that "If we have a reverence for human life, we will not equivocate or temporize."

Media support in California is increasing daily. Radio and television editorials continue to urge Congress to ban the private ownership of handguns.

The Los Angeles Times had no less than seven editorials in the last six months—all stating that a ban must be imposed against handguns because the nations' homicide rate continues to rise and the easy availability of the murderous handgun is a significant factor. As the March 30th editorial says, "The longer we delay the longer will thousands of victims pay with their lives for our neglect."

Earlier this month the Sacramento Bee editorialized that, "Ford and Congress clearly have an obligation to respond to public demand and rescue the



country from the rising tide of gun-crazy violence. Failure to do so will only mean more guns and more deaths by the thousands."

The Sacramento Bee as well as the Wall Street Journal (June 10) talk about the "surge of public concern" and the "spread of citizens' demands for action." Although just a few years ago there was only one on-going group advocating effective gun control, today there are over 12 groups around the country calling for action. We expect more groups to form in the near future.

What groups such as ours are attempting to accomplish is a radical reduction in the tremendous number of deaths and injuries and sufferings caused by handguns across the country. Only a ban on private ownership and possession of handguns can accomplish that goal. The tremendous pool of 40-50 million handguns must be dried up—the manufacture of these deadly weapons must be stopped.

In countries where handguns are severely restricted, homicides and other violent crime rates have dropped far below ours.

An example is Japan, where private ownership of handguns is virtually banned, the crime rate continues to decline. In Tokyo (11 million people) where it is illegal to own, possess, or manufacture handguns, there was only one handgun homicide reported in 1971. Contrast that with Los Angeles County (7 million people) where 308 handgun homicides were reported.

The 1973 National Advisory Commission on Criminal Justice Standards and Goals reports that while "cultural differences account for some of this disparity, this explanation alone cannot account for the wide difference in homicide rates nor for the fact that Japanese statistics reflect a consistent yearly decrease in the number of crimes committed with firearms since the 1964 national prohibition against all firearms."

In Japan as a whole, in 1973 there were 28 murders involving handguns. With about twice the population the United States had over 10,000 handgun murders in 1973.

We are not saying that a handgun ban will eliminate *all* violence. But we do believe that limiting the private ownership of handguns will result in a reduction of violence in the United States. The associated death and crime rate will decrease as the accessibility of handguns diminishes.

We can no longer tolerate the murders, robberies, assaults, suicides, accidental deaths and injuries caused by handguns.

We urge this Subcommittee and indeed the whole Congress to take strong, positive action calling for legislation to eliminate the handgun from private ownership in the United States. Citizen action groups across the country are prepared to join you in this struggle.

We urge you to take this vital step now.

Thank you for the opportunity to speak to you today.



# COALITION FOR HANDGUN CONTROL

**OFFICERS**  
 Don Holtzoff, **Coordinator**  
 Sharon Wahl, **Co-Coordinator**  
 Peter Kinkhart, **Co-Coordinator**  
 Ralph Parks, **Secretary**  
 Martin Halperin, **Treasurer**  
 Ralph Gomez, **Auditor**

10348 WEST PICO BOULEVARD  
 LOS ANGELES, CALIFORNIA 90064  
 558-1810

**SUPPORTING ORGANIZATIONS**  
 American Civil Liberties Union  
 American for Democratic Action  
 American Jewish Congress, Inc. Cal. Div.  
 Board of Rabbis of So. Cal.  
 California Citizens Action Group  
 Clergy and Laity Concerned  
 Mt. Hollywood Congregational Church  
 Social Action Committee of the  
 Synagogue of Private of L.A.  
 So. Cal. Council of Churches  
 Suicide Prevention Center  
 Temple Israel  
 University of California  
 Women For

## AMERICA'S HANDGUN TRAGEDY

- Every two minutes someone is killed or wounded by a handgun.
- 10,340 people were murdered with handguns in 1973.
- The handgun is the type of weapon used in 53% of all murders.
- Every 13 seconds a handgun is sold in this country.

**SUPPORTING DIVISIONS**  
 Jack and Wilhelmina Alterman  
 Marvin Charles Aronson  
 Rev. Max. William Barry  
 Rabbi Leonard I. Barman  
 Congressman Albert R. Brown  
 Assemblyman Howard L. Brown  
 Harold J. Brown, Ph.D.  
 Thomas H. Brown, M.D.  
 Joseph C. Brown  
 Rev. Francis Chaplin  
 Rev. Francis Collins  
 Barot & Rodyn Corporation  
 Connelman David L. Connelman  
 Robert L. Dorian, Ph.D.  
 WB and John P. Dorian  
 Congressman Dennis DeLoach  
 Lieke and John P. Dorian  
 Rabbi Albert J. Friedman  
 John H. Galt, M.D.  
 Mrs. Maxwell R. Greenberg  
 George H. Hardy, Ph.D.  
 Albert Hardy  
 Milton G. Hecht, M.D.  
 Ruth and Paul Hecht  
 Rosemary Holman  
 Elbert and Marlene Hudson  
 Dr. John H. Jones  
 Union Rabbi, L.H.M.  
 Jack Leventhal  
 Irving L. Liberman, D.  
 John W. Mack  
 Frank Markovitz  
 Lois Markovitz  
 Edward Mark  
 Julian Marx, Ph.D.  
 Gail O'Brien  
 Ray William D. Pearl  
 Rabbi Sanford Rabin  
 Congressman Thomas A. Rane  
 Dr. George F. Rane  
 Assemblyman Howard Rangel  
 William M. Rasmussen  
 David H. Robinson  
 Mary Robinson  
 Dr. Carl Rosenbaum  
 Mrs. Louis Rose  
 Assemblyman Alan Royalty  
 John Royalty  
 Paula and Stanley Bell, M.D.  
 Gloria Starr  
 Sally Stephens  
 Tony Torres  
 Senator John Tooley  
 Robert A. Vogel  
 Jim Wald  
 Robert Weil  
 Irwin M. Wapner, M.D.  
 Paul Ziffren

In most other civilized countries, there are stringent gun control regulations and in some countries hand gun ownership is prohibited. In those countries, the rate of death by handguns and the overall murder rate are both low. But in the United States, handguns are easily available and the result is that the United States ranks first among the nations of the world in the number of gun deaths.

These facts demand change . . . and we're working for that change now.

## WHO ARE WE?

We're the Coalition for Handgun Control. We're a broad-based group whose aim is to support effective handgun control legislation and to promote awareness of the dangers of the indiscriminate availability and usage of handguns.

We have joined with other concerned individuals and organizations in a strong, new effort to ban the private possession of handguns in California. We are working with legislators to get this legislation enacted now. We are also coordinating efforts with handgun groups in other states working toward the same goals.

**STEERING COMMITTEE:** Sharon A. Amstutz • Jim Andrews • Michael Bennett • Larry Berlin • Dennis Brown • Arnold Brown • Willis Edwards • Ted Elsworth • Leonard Field • Barry Friedman • Rabbi Robert V. Galt • Frank Gorman • Paul A. Green • Marvin Halperin • Rev. Gordon Rosenberg • Paul G. Shorville • David and Dr. Edith Shorville • Dr. John Slater • Michael Stein • Rabbi Albert M. Lewis • Elaine Tishman • Arnold Tuma • Paul Tushnet • Ben Hershman • Tom McDonald • Ethel Harari • Beverly Fries • Judy Kemp • Lois Koffler • Andrew Koberger • Michael Shapiro • Arnold and Nancy Simon • Mary Solow • Adèle Steiner • Leonard Stern • Frederick Wahl, M.D. • Sharon Wahl • Ted Williams

### **DOESN'T THE CONSTITUTION GUARANTEE INDIVIDUALS THE "RIGHT TO BEAR ARMS"?**

Opponents of gun control legislation argue that the Second Amendment of the United States Constitution prohibits such legislation. The Second Amendment reads: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

The purpose of this amendment was NOT to create a right for individuals to own guns, but to prevent the Federal government from interfering with the States' rights to maintain militias. Thus, the U.S. Supreme Court has repeatedly held that: 1) the Second Amendment only prohibits Congress from restricting the right of each State to maintain an armed militia, and 2) the Second Amendment does not prohibit any State from enacting gun control legislation.

### **WON'T GUN CONTROL LEGISLATION DISARM ONLY THE LAW-ABIDING CITIZEN, LEAVING THE CRIMINAL ARMED?**

Guns in the hands of "outlaws" are not the main cause of gun violence in the United States. Most murders (73%) are committed impulsively by previously law-abiding citizens during arguments with family members or acquaintances. A readily available gun is what turns an assault into a murder.

Furthermore, most authorities agree that stringent controls would make acquisition of handguns much more difficult and less likely. The result, as experience has shown, is that gun control laws reduce violent crime, because the guns used by so-called "criminals" are almost always acquired shortly before the crime.

In those states, cities, and countries where strong gun controls have been imposed, not only has the death rate from guns been cut dramatically, but the "criminals" who have guns in their possession are often apprehended for the crime of illegally possessing a gun, before they can commit a more serious crime.

### **WHAT ABOUT HANDGUNS FOR SELF-PROTECTION?**

Owning handguns for self-defense is an investment with tragically negative returns. The safety of a household is diminished — not increased — by the presence of handguns in the house. Confronting an intruder with a handgun is most likely to make him shoot. Only 2 percent of home robberies and 1 percent of home burglaries result in the intruder being shot by the householder. For every robber stopped by a homeowner with a handgun, 4 homeowners or members of their family are killed in handgun accidents. Over half of all fatal firearms accidents occur in or around the home, and about 40 percent of accident victims are children and teenagers. The feeling of security provided the homeowner by the possession of a handgun is largely an illusion bought at the high price of increased accidents, homicides, a more widespread illegal use of crime.

## WHY HANDGUNS MUST BE CONTROLLED

- The handgun accounts for about one-quarter of all firearms, but is used in over three-quarters of all gun killings.
- Law enforcement authorities have pointed out that handguns serve no purpose except to kill people. Most of the 909 law enforcement officers killed during the period 1963-1973 were killed by handguns.
- During the period July 1, 1973 to June 30, 1974, 211 firearms were confiscated in the Los Angeles Schools and 26 shootings occurred. Most of these guns were handguns.
- More people will be killed by handguns in the United States in the next 39 hours than were killed by all firearms in England throughout 1972.
- In Tokyo (11 million people) where handguns are banned, there was only one handgun homicide in 1971. In Los Angeles County (7 million people), during the same period, 308 handgun homicides were reported. The overall homicide rate in Tokyo was also much lower than in Los Angeles.
- A substantial reduction in the number of handguns will significantly reduce the amount of violence.

*"The longer we delay the longer will thousands of victims pay with their lives for our neglect."* — L. A. Times, March 30, 1975

Join us now. Please fill out the coupon and send it to us. It's time we stopped making it so easy for people to kill people.

-----  
 Mail to: COALITION FOR HANDGUN CONTROL  
 10345 West Pico Boulevard  
 Los Angeles, California 90064

I want to join the Coalition for Handgun Control as a:

PATRON .....	\$100 & Up	<input type="checkbox"/>
SPONSOR .....	\$50	<input type="checkbox"/>
SUPPORTER .....	\$25	<input type="checkbox"/>
FRIEND .....	\$_____	<input type="checkbox"/>

- ☐ You may use my name in your correspondence, publicity, advertising, and other materials.

\_\_\_\_\_  
 Signature

- ☐ Please contact me for work on a committee.

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

COALITION FOR HANDGUN CONTROL  
10345 W. PICO BLVD. L.A., CA.

HIGHLIGHTS OF PROPOSED LEGISLATION

The following is a statement of the highlights of the proposed California legislation. It will be used as a guide in the drafting of the actual legislation.

1. A BAN ON HANDGUNS

(This is the heart of the proposed legislation. Since handguns account for only 1/4th of all guns, but cause approximately 3/4ths of all gun deaths, they offer a highly desirable form of gun control. Also, widespread support for a ban on handguns is developing in California, in other states, and at the Federal level. Also, unlike long guns, handguns have little or no sporting use.)

The ownership or possession of handguns will be prohibited, except for persons in the following categories:

- (a) Members of the armed forces when on duty.
- (b) Law enforcement officers.
- (c) Common carriers and financial institutions, for use by guards or messengers in their employ while transporting or delivering money or other things of value in the course of their employment.
- (d) Pistol clubs, limited to possession and use by licensed pistol clubs on the premises of the club, with the gun being stored under lock when not in use, or while being transported from one club to another for competitive meets.
- (e) Owners of permanently inoperable handguns.
- (f) Merchants, limited to possession or transportation by merchants of unloaded handguns as merchandise only, in connection with sale of handguns to those permitted by law to possess them.

As to those in the excepted categories listed above, a system of licensing will be established to insure that only persons who are in one of the excepted categories can own or possess a handgun. Also, a system of registration of handguns will be established to identify each individual handgun by serial number and to identify its licensed possessor.

Existing law prohibits possession of handguns by convicted felons, drug addicts, and minors. These provisions will be retained.

The present provisions requiring handgun dealers to be licensed and governing the procedures for purchasing a handgun from a dealer will be expanded to provide positive identification of the purchaser and to insure that handguns are sold only to licensed persons in the permitted categories. These transfer procedures will also be extended to transfers between persons who are not dealers, with mechanics modified to be suitable to the non-dealer transaction.

A 6-month period will be provided during which all handguns purchased in California prior to the effective date of the law, and all handguns brought into California prior to the date of enactment of the law, must be turned in. A reasonable amount in compensation will be paid for each surrendered handgun. The legislation will provide for means of funding the compensation.

someone is killed or wounded by a handgun and that every 13 seconds a handgun is sold in our country. During the period July 1, 1973, to June 30, 1974, 211 firearms were confiscated in the Los Angeles schools and 26 shootings occurred. Most of these guns were handguns. Many were taken from homes. Most murders, 73 percent, are committed impulsively by previously law-abiding citizens during arguments with family members or acquaintances. This fact has already been discussed today. A readily available handgun is what turns an assault into a murder. The handgun, often kept in the home for self-defense, is six times as likely to be used against a family member as it is to be used against an intruder. Therefore, the feeling of security is an illusion. With 40 to 50 million handguns in circulation now, and with a proliferation rate of  $2\frac{1}{2}$  million handguns a year, the only way to stop this carnage is to severely limit the possession of handguns.

There is a growing demand for action. As Congressman John Conyers stated in the June 10 issue of the Wall Street Journal: "The whole issue of murder by gun has become personalized." This certainly describes my own involvement. Like too many other Americans my own life has been touched by traumatic gun experiences. My husband was a victim of three armed robberies in our pharmacy. The third robbery was a long, tense, trauma which turned my fright to determination. This happened 1 year ago in May. Earlier in the day my husband called the narcotics squad because he was trying to apprehend prescription forgers. The police sent two plainclothesmen to the pharmacy. One was inside and the other outside the pharmacy. Instead of the suspected forgers returning, a young man appeared and asked our clerks questions about cough syrups. At this point my husband stepped down from the raised pharmacy level in order to assist the man and a 45 automatic was drawn. When the gunman asked who else was in the pharmacy my husband responded a friend is in the back room. At that time our clerk and my husband were forced at gunpoint to the back room. As they neared the back room the officer attempted to unzip his jacket and reach for his gun but the robber said, stop or I'll blow his head off—meaning my husband's head, searched the officer and the—when the gun and badge came into full view all three hostages feared for their lives. No shot was fired. The gunman then ordered the officer to tape the wrists and ankles of our clerk and had my husband tape the wrists and ankles of the officer. He then ordered my husband to give him not only the narcotics but demanded many drugs and a larger box which he filled with gallon bottles of cough syrup. He then taped my husband's wrists and ankles and left. At that point the officer ripped his tape off and fled through our back door, down the alley, joined four other officers outside waiting and apprehended the gunman.

The psychological impact of this experience is still being felt today. Many sleepless nights ensued for both of us—reliving this frightful experience. It was difficult for me to enter the pharmacy after that for I would see my husband's apprehensive look whenever someone entered the pharmacy he didn't recognize. Suddenly everyone looked suspicious. These feelings of apprehension continue even now, a year later. And I have to add a personal note that it is very

REPRINTED WITH PERMISSION  
COALITION FOR HANDGUN CONTROL  
10345 W. PICO BLVD.  
LOS ANGELES, CA. 90064  
556-1610

A CASE FOR CONTROL OF HANDGUNS

A Statement  
by  
Peter J. Pitchess, Sheriff  
Los Angeles County  
to the  
House Committee on the Judiciary  
Congress of the United States  
on  
June 28, 1972

Let me begin by telling you my position regarding the handgun. It is made for killing people, and I challenge anyone to disprove that statement.

For many years, my colleagues and I have steadfastly resisted any attempt to regulate or outlaw the possession of firearms. But, times are changing.

Stricter gun laws obviously will not eliminate violence, any more than existing punitive laws have wiped out criminality. In my opinion, the legislation you are considering relative to gun registration and control is simply inadequate. The enormous expense and lack of enforceability make it somewhat impractical. But restricting the sale or possession of handguns will have a dramatically dissuasive influence.

The problems besetting us on all sides are great. Our society is experiencing catastrophic upheaval. Our attitudes must change to conform to the demands of contemporary culture. I have done much soul-searching on the issue of gun control. After having carefully studied all available data, it became increasingly apparent that there is only one course left for men of good will -- no longer can we afford the luxury of endorsing what has lately become a dangerous and untimely position -- the fallacy that the safety of our populace is dependent upon an inalienable and largely indiscriminate right to bear arms.

We have reached an inescapable conclusion: All handguns must be banned except for law enforcement and the military. I ask you and the American people to review some of the factors that have precipitated my decision.

First, in the United States in 1971, 10,000 murders were committed with firearms, and guns accounted for 21,000 deaths. Tragically -- incredibly -- someone in America is killed or injured by gunfire every two minutes. Second, as a law enforcement officer, I have become increasingly alarmed over the astounding number of policemen who are killed or wounded in the performance of their duty. From 1961 to 1970, 604 fellow peace officers were killed by firearms; 466 of these were by handguns! During that same period, only 29 officers were killed by other weapons.

We live in an age when statistics such as these have lost much of their impact. Understandably, a concerned public becomes shocked, then apathetic and, finally, anesthetized. During the past few years, the collective conscience of our people has been numbed by the assassinations of John F. Kennedy, Martin Luther King, and Robert F. Kennedy. The attempted assassination of Governor Wallace has again refocused our attention on the issue of violence. As shocking and deplorable as these incidents are, they are but a few of the traumatic dramatizations occurring hourly within our cities.

Gun control laws can retard the increase in criminal activity. In New York City, for example, where strict control of handguns exists, the murder rate of 10.5 per 100,000 inhabitants is well below that of most other cities with weak gun control, such as Dallas (18.4), Houston (16.9), and Atlanta (20.4). And this has been accomplished in spite of the fact that guns enter New York from other areas with lax gun control laws.

What our country must recommend is legislation controlling handguns on a nationwide basis and accompanying enabling legislation to make the enforcement of those controls possible. Existing search and seizure laws need to be modified to allow greater latitude to the police in the search for weapons. There are more than 20,000 state and local firearms laws, many of which are conflicting, obsolete and unenforceable. The necessary coordination, leadership and solution must come at the federal level. Law enforcement needs the right to seize illegally possessed handguns, use them in evidence in criminal cases, then destroy them, eventually eliminating handguns except for police and the military.

Hopefully, few of you have had the experience of finding yourself at the end of a gun, but for all too many of our citizens, this is not the case. Last year alone, 80,000 Americans were injured in assaults by gun-wielding assailants, and 220,000 others were robbed at gunpoint.

In all, guns were used in 65% of all homicides, 63% of all robberies and 24% of all aggravated assaults. If we are ever to reverse, or even lessen, this almost casual use of violent force, we must be willing to re-examine our position, and commit ourselves to seeking a solution. Objective reasoning permits no other beginning than the elimination of the handgun.

Many good Americans will argue that we should take the guns from the criminal, but not prohibit their possession by the law-abiding citizen. Perhaps there may be some validity to this argument if the destruction caused were exclusively due to criminal activity; but it only takes a cursory glance at the facts to recognize the fallacy inherent in this position. In Washington, D.C., 81% of all homicide cases involve a suspect and a victim who were either friends, relatives, acquaintances, or husband and wife -- 86% of the murders stemmed directly from an argument, a fight, an altercation or a lover's quarrel. The bloodshed, then, is not due to just the premeditated killer who methodically calculates a murder, but is the result in all too many instances of frustration and passion which are grasping for an available means of release.

It is needless to remind ourselves of the tragic spectrum of accidental killings caused by the availability of a firearm.

It may be argued that a person intent on murder will find a way to do so, if not with a handgun, then with some other weapon. This has not been the case, and it becomes most evident upon serious reflection. Consider the countless psychiatric patients who have stated at one time or another they were glad they did not have

a gun available to use on themselves or others. It is not difficult to envision an angry spouse in a moment of irrationality, rather than hurling an invective, resorting to the use of a gun.

This is not conjecture...it is not fantasy...it happens with almost predictable regularity.

Organizations of sportsmen and hobbyists maintain that handgun controls would interfere with the activities in which they engage. Certainly handguns can be used for these pursuits, but let me paraphrase what I stated earlier...it is difficult to deny that their primary purpose and the job they were designed for is killing people. We are not suggesting the outlawing of all firearms, but rather the elimination through legislation of the deadliest of all -- the handgun.

I am aware there are gun collectors throughout the country who possess handguns that are both rare and valuable, and I would not presume that these collections should in any way be diminished. What I do advocate is that these handguns be rendered inoperable as instruments of death and destruction. I might add that I too am a gun collector.

While the United States Constitution guarantees citizens the right to possess arms, few thinking persons would argue that this right should be extended to include machine guns, flame throwers, or similar weapons. Such an argument would surely not be in keeping with the spirit of the Second Amendment. Neither should this right be construed to extend to handguns, for the same reason.

The primary justification for the Second Amendment's inclusion in the Constitution centered around self-defense, national defense, and food acquisition. In today's complex, urbanized American society, these reasons are, at the least, extraneous when applied to handguns.

We have the Armed Forces to protect our shores and borders, and the police to perform a like function with regard to domestic threats to our security.

For those who find it necessary to keep firearms in the home for further protection of their persons and property, or for use in hunting or similar pursuits, rifles and shotguns will not only suffice but are preferable to the handgun for almost every conceivable purpose.

For every robber stopped by a homeowner with a handgun, four homeowners or members of their family are killed in handgun accidents. The fact is, the only viable advantages pistols offer over long-guns are their portability and ease of concealment. The former renders them useful to peace officers, while the latter makes them ideal for criminals as "means" to their "end".

Moreover, from a Constitutional point of view, the federal courts have consistently interpreted the Second Amendment as referring to a collective right rather than an individual privilege.

All of the arguments directed against legislation for control of handguns pale into insignificance when juxtaposed with the mortality and grief which result, in the absence of such control.

On an average day in the United States, there are as many as 57 deaths resulting from the use of firearms and yet the tragedy and grief continue to mount.



The support for gun control laws is strong, and growing stronger daily. Public officials and concerned citizens in many fields are recognizing that the time for legislation is now.

When I first proposed the banning of handguns in May at a press conference held during the annual conference of the California Peace Officers' Association, I was aware of the consequences, and that it would generate a significant amount of opposition. What I was not prepared for was the overwhelming support from the citizens who learned of my position through the news media.

In 1972, the United States Mayors Conference recommended that handgun ownership be banned for all but law enforcement officials, military and sportsmen clubs. I oppose including the latter.

The National Commission on the Causes and Prevention of Violence has recommended that there be a licensing system for all handguns, with possession restricted to those who can indicate they have a special need for such guns. In supporting this recommendation, the Commission reported that there are 90 million firearms in the United States. Half of the nation's 60 million households reportedly possess at least one gun, and the number of guns owned by private citizens is still rising rapidly. They further reported that more personal injury and death resulting from crime occurs in the United States than in any comparable nation in the world...and the primary tool of this injury and death is the firearm.

Statistics have shown that those States with some sort of gun control laws have proportionally fewer deaths as a result of firearms, than do those States without such controls. And the relationship between America's "pacesetting" among all other nations in the number of murders perpetrated -- and the fact that we are one of the few countries on earth without gun control laws -- can no longer be ignored.

Nearly all the civilized nations of the world require firearms licensing or registration, or both; and many of them prohibit the private possession of any handguns whatsoever. Nowhere in the world is the private ownership of handguns, on a per capita basis, as high as in the United States. The United States has 135 handguns per 1,000 people, while Canada has only 30 per 1,000. Israel, referred to by many as an "armed camp," has only 10 handguns per 1,000 people. Finland, the Netherlands, Greece, Great Britain and Switzerland have fewer than five handguns per 1,000 residents. It is not at all difficult to see the correlation between these figures and homicide. For example, the rate of homicide in the United States is far greater than that of any other industrial nation in the world. It is almost three times as high as Japan and eight times as high as Great Britain.

In the United States there are 5.7 gun murders per 100,000 persons each year, but in Japan where it is illegal to own, manufacture or carry a handgun the ratio is only 1.9 per 100,000 persons. In Great Britain where handgun laws are almost as restrictive as Japan, the gun murder ratio is only 1.25 per 100,000 persons, resulting in 29 handgun homicides in 1970 among a populace of 50 million persons, while Los Angeles County, with a population just over 7 million, had 308 handgun homicides. And while we are on the subject of Great Britain, we might take a look at her record of assassinations...Prime Minister Perceval was mortally wounded at the hand of a disgruntled, pistol-wielding taxpayer in the Waiting Room of the House of Commons. The year of this murder was 1812 -- 160 years ago -- and that was England's first and last political assassination.

Statistically, historically, philosophically -- guns, especially handguns, have been and will always continue to be a most proficient means of killing people, whether wantonly or accidentally. As long as the populace continues to own handguns, the danger and opportunity to use them for violent ends will remain. Remember, the primary purpose of the handgun is killing people. Thank you.

## The Sacramento Bee

*Locally owned and operated for 118 years*

JAMES McCLATCHY, founder, editor, 1857-1883

C. K. McCLATCHY, editor, president, 1883-1936

WALTER P. JONES, editor, 1936-1974

Vol. No. 38,852

Monday, June 2, 1975



*Published weekdays afternoons  
and Saturday and Sunday mornings by  
McCLATCHY NEWSPAPERS*

ELEANOR McCLATCHY, president  
C. K. McCLATCHY, editor

### Editorials

## The Gun Crisis

A surge of public concern over the enormous arsenal of handguns in America provides the first sliver of hope in several years that Congress will awaken to the necessity to outlaw the deadly little weapons once and for all.

The need for the outright ban — or, at the very least, stringent regulation — grows more evident with each slaying. It can be called a staggering need when judged against the relentless climb in the number of handgun homicides. In 1953: 4,200. Last year: 11,000.

Americans own an estimated 40 million handguns. They are, as Sen. Edward M. Kennedy once put it, "as easy to buy as flashlights." The domestic production of the cheap, easily concealed Saturday night specials and the like may run as high as 5,500 a day.

Past efforts to halt trafficking in these guns have proved futile against the heavy, well-organized pressure led by the National Rifle Association. The Senate three years ago passed a bill prohibiting sale or delivery of small handguns, and the vote margin was almost 3 to 1. That's as far as the measure got in Congress.

The NRA has always managed to override the record of needless wholesale killings with its standard arguments that criminals, not guns, kill people, and controls would violate the constitutional "right" to keep arms.

Proponents of controls, none of which con-

template restrictions that would affect sportsmen, have been encouraged of late to try again. For the first time, they are supported by new organizations formed to counter the NRA influence. Congress this year has a more liberal bent and, says Sen. Charles Percy, R-Ill., "we are now seeing more and more letters" backing firearms legislation which are not the result of professionally-directed campaigns.

A major disappointment tempering the optimism on Capitol Hill is President Gerald Ford's reluctance to give leadership to the drive for gun control. He has said he would not favor registration of gun owners. As for Attorney General Edward H. Levi's proposal to impose controls in cities where violent street crime is rampant, Ford would go only so far as to characterize it as a "unique approach."

The President would be expected to commit the full weight of his office toward alleviating a crisis which snuffs out the lives of 11,000 people. The menace of the abundant handgun constitutes an emergency as real as a devastating flood, hurricane or earthquake.

Ford and Congress clearly have an obligation to respond to public demand and rescue the country from the rising tide of gun-crazy violence. Failure to do so will only mean more guns and more deaths by the thousands.

# Los Angeles Times

LARGEST CIRCULATION IN THE WEST 1045,479 DAILY 1,256,046 SUNDAY

SUNDAY MORNING, MARCH 30, 1975

## The Handgun Issue

Of all the "lost causes" that refuse to become permanently lost, gun control may be near the top of the list.

Hundreds of law enforcement agencies, once almost wholly against gun control, are joining a growing consensus either for strict control of handguns or laxening legislation to ban their possession entirely. Numbered among them are officials like Sheriff Paddy J. Pichessa of Los Angeles County and Jerry F. Wilson, former chief of police of Washington, D.C.

Robert J. di Grassi, police commissioner of New York said recently: "In my view, private ownership of handguns must be banished from this country."

And now the California Poll in its most recent survey reports that an increasing proportion of people in the state favor a law that would require registration of guns with law enforcement agencies. Significantly, the percentage supporting gun registration rose from 69% in 1969 to 82% today. And of equal significance, or more, the poll discovered that a growing majority of the public believes that a license to own handguns should be limited to persons who can show a definite need for them. Personally, it is reported that 71% of the public favors some kind of gun control legislation.

The impetus behind this concern is the steadily

rising murder rate in the United States, the highest in the world. Murder victims in 1973 numbered 20,518, an increase of 880 over the previous year; and the 1974 toll is expected to be higher. In 1973—the latest year in which figures are available—handguns were used in 53% of homicides, shotguns in 8% and rifles in 6%. Of the 134 law enforcement officers killed last year, 95 were killed with handguns and all but four of the remaining 39 died from other firearms. Franklin Zimring, of the University of Chicago law school, reports that homicides by handgun increased more than three times as much in the past six years than murder by other means. And he notes an ominous new development in the murder pattern—"recreational murders," the random killing on the street for the thrill of it.

A more favorable climate for new gun control legislation is reported in Congress. It may be possible that Congress will require the registration of the estimated 35 million handguns privately owned. Such action would be encouraging as an indication that Congress will do what it ultimately must do to reduce the dreadful carnage. Long arms must be registered, and a ban must be imposed against private possession or ownership of handguns, with the exception of guns used solely for sporting purposes. The longer we delay the longer will thousands of victims pay with their lives for our neglect.

# Los Angeles Times

LARGEST CIRCULATION IN THE WEST. 1,043,477 DAILY. 1,236,000 SUNDAY.

FRIDAY MORNING, MAY 16, 1975

## Battlefield America

Los Angeles County Sheriff Peter J. Pitchess chose a particularly appropriate occasion Wednesday to appeal again for a ban on the private ownership and possession of handguns. His plea followed a memorial service in honor of eight law enforcement officers who died in the county in the line of duty. Three were killed with handguns, one died in a helicopter crash, and four were killed in traffic accidents.

Most law officers killed on duty are slain with handguns. Of 132 who died last year in the United States, 128 died from gunshot wounds; handguns killed 95 of the 128. Through March of this year, 32 officers have been slain nationally; all died from gunfire, with 27 of the 32 killed with handguns.

Homicide is now epidemic in the United States. About 60 Americans fall victim each day, and it is estimated that handguns are used in 65% of these murders. In the past 12 years, homicide by guns has risen about 50%. The annual homicide death toll is

now over 20,000, and climbing. America has become a battlefield.

Pitchess, who after a lifetime in law enforcement is not unacquainted with violence, was moved to say:

"Handguns were made for only one purpose, to kill—and we seem to have lost all respect for human life . . . That handy handgun is responsible for untold death and suffering, and 81% of those who become victims are husbands, wives, relatives and good friends (of the person who pulls the trigger)."

It is significant, as Pitchess said, that the majority of top law enforcement officials in cities of more than 500,000 population support a ban on handguns. Proposals to register guns and license their owners are based on good motives, but Pitchess believes, and we agree, that such laws would be unenforceable and hence largely ineffective.

A national ban on handguns must come. It is time to disarm a nation that is armed against itself.

## REPORT ON FIREARMS CONTROL TO THE U. S. HOUSE OF REPRESENTATIVES JUDICIARY SUBCOMMITTEE ON CRIME

*The Honorable John Conyers, Jr., Chairman*

DENVER, COLORADO HEARINGS

JUNE 23-24, 1975

### GENERAL EVALUATION

All Americans are paying and many Americans are bleeding, suffering and dying because of wrongful use of firearms. Several approaches to gun crime and misuse have been suggested—and some may be helpful—but gun control is the indispensable one. No industrialized country has ever controlled gun crime without gun control.

Tolerating widespread accessibility and possession of firearms and ammunition is failing to protect gun owners and non-owners from death, disability and debt. The light burdens of gun control do not compare with its public benefits and blessings. The controls that we would have to live with would be less painful than the lack of controls that we have to live with.

People kill people but why shouldn't normal people be protected from abnormal people? Why can't we correlate the isolation of firearms from dangerous people with the isolation of dangerous convicts from society? America's greatest defensive need today is protection from itself.

The United States has the highest standard of living in the world, the best-equipped police forces, the increasingly strongest sentences for gun crime, the greatest number of guns per capita, the weakest gun control laws in industrialized civilization, and the highest gun crime rates in the world.

We can't blame our "melting pot" without ignoring Australia, which controls gun crime. We can't blame crowded conditions or television violence without ignoring Japan, which controls gun crime. We can't blame our Wild West heritage without ignoring the fact there were few outlaws and little mayhem out here. The rampant pistol-packing of our western history is a movie myth.

In 1973 the United States had 13,070 gun murders while England and Wales had 36. In 1970 Tokyo had three handgun homicides; in 1971, one handgun homicide; in 1974, none. Japan bans the handgun but Great Britain, Italy, West Germany, Sweden and France have handgun licensing. In 1972 London had two handgun murders. We need gun control more than the countries that already have it because of our gun numbers, racial strife, ethnic variance, ghetto conditions and para-military groups.

We license other groups of people on whom our lives may depend—surgeons, airline pilots, pharmacists, bridge engineers, automobile drivers. Why do we except gun owners? Why is there a conceptual gap between a pistol-carrying permit and a gun license, especially since concealed weapons are seldom used in murder? Why must we depend upon a merchant to determine if a prospective gun owner is qualified?

We try to intercept narcotics traffic. We try to govern use of explosives and poisons. We are becoming vigilant about fireworks. We have legalized switch-blade knives. We try to protect the public from unsafe food, remedies, mines and factories. But we act on the gun only after a crime is committed.

The normal, law-abiding citizen has nothing to gain, much to lose, whenever gun control is rejected. We must clear him in order to control the abnormal citizen, including the criminal, who does very little of the killing. A gun in emotional hands in the home is more dangerous than the gun in criminal hands in the street.

Murder is not a private matter; it is everybody's business. Unfit gun owners should not be a private matter. Too many people have the privacy of the grave because our society has permitted the privacy of the gun purchase.

In most cases the risk is not the American buying a gun in a store but his freedom to sell it to anyone in the street. A metropolitan survey showed that almost every handgun used in a crime was once owned by an honest citizen.

Gun control is an emotional issue because its opponents play to fear instead of facts. A recent release said (1) new bills would outlaw guns, (2) radicals sponsored the bills, (3) neighborhoods would be in jeopardy with the new laws, (4) police revolvers would be eliminated and (5) criminals would have control of our homes. Education of our people is our greatest priority—not the 70 percent that Gallup finds in favor of registration but the 30 percent that oppose gun controls and are most responsive, if robot-like, to their representatives. It is time for the women of America to tell their men that owning a deadly firearm does not make them masculine.

Prison, police, court and social changes can be allied with gun and ammunition control. We need not make a choice among them. Wrongdoing has proliferated with weapons. This is where we have to choose: More wrongdoing or fewer weapons.

Handgun numbers quadrupled to 40 million within the last ten years, and handgun deaths rose by 60 percent. More than 100,000 handguns go onto the black market in New York City annually because handguns can be purchased in lots in other states. Insanity is no bar to gun ownership in 35 states.

American gunkeeping has become the world's most expensive hobby. We must control the gun and the ammunition. We must confine handgun ownership in metropolitan areas, with center cities of 100,000 population or more, to police, security guards, gun clubs, and merchants in high-risk businesses who apply for a gun.

If we do not live to see guns and ammunition controlled, we will die still looking at high gun crime statistics — or becoming one.

### LEGISLATIVE PROPOSALS

The four features of my firearms control legislative proposals are:

1. Banning the non-sporting handgun of cheap construction and of a barrel less than six inches in length.
2. Banning all handguns in metropolitan areas with a central city of 100,000 persons or more, except for policemen, security guards, pistol clubs and proprietors with special protective needs.
3. Licensing of all gun and ammunition owners with minimum federal standards and under state procurement procedures and administration.
4. Registering of all firearms by state prerogative.

Banning the importation of the cheap handgun was the intent of Congress under the Gun Control Act of 1968, but the importation of foreign parts for completion in the United States has more than offset this intent.

The area handgun plan resembles the U.S. Justice Department projection announced later but considers population rather than high-crime rates and prohibits handgun possession in the homes and in businesses where the proprietor is unlicensed.

Under the general license the potential owner would have to meet federal requisites. Applications would be denied for ex-felons, alcoholics, drug addicts, subversives, fugitives, threateners, underaged persons, mental incompetents and dishonorable military discharges.

The license would authorize the holder to purchase, sell, receive, transfer or borrow a firearm or ammunition in person or by mail in a transaction with another licensee. The pledge of eligibility under the Gun Control Act of 1968 would become the proof of eligibility under licensing.

Licensing must be combined with area handgun banning. A person living in an unrestricted zone or belonging to an authorized handgun category—like a security guard—would be permitted to purchase a handgun or ammunition. The states would set the requirements on general license acquisition, such as signing, fingerprinting or photographing, and would have the option of adding regulations. The license would be permanent but subject to revocation through new ineligibility.

Registration would make a gun owner responsible for each of his weapons and would expedite the recovery of stolen and missing guns. It would reduce the theft-prone weapons of persons who are not serious gun owners; it would discourage lending, and it would promote more secure safekeeping. The states could cooperate with the National Crime Information Center at the Federal Bureau of Investigation to recover guns. Small states should not have to share the burden of large-state registration.

Criminals who wouldn't register their guns would double their jeopardy if apprehended. Registration would be less an invasion of privacy than the federal census or the income tax obligation. There have been no documented cases of confiscation having followed registration, which England has had since 1831 and Switzerland since 1874. Names of gun owners have long been on record with rifle and pistol associations and game departments and on subscription lists and sporting goods store accounts.

Gun legislation might well include a ban on the importation of gun parts, a reduction of the 156,000 dealerships in the U.S. to a bonafide, complete gun commerce, safety knowledge for purchasers, a tightening of shipping and storing practices, and a prohibition on pawnshops dealing in firearms. A survey of eight urban areas showed that 30 to 35 percent of the handguns that had been used in crime had passed through pawnshops.

A good, federal-state law would encourage the elimination of many ineffective, conflicting and confusing state and local gun laws. It would be a government service to a country where, in 30 states, a fugitive can stop to buy a gun while he is being chased by the cops.

### COST OF GUN CRIME

The cost of gun crime, along with enforcement, justice and incarceration, is about \$21 billion a year, according to government and business data. Guns perhaps account for \$10 billion of the cost.

Our country makes a cheap gun easily available, incarcerates for its misuse at about \$8,000 a year and calls it paying a debt to society. It is just poor economics.

Among the gun crime costs paid for by the public are the Law Enforcement Assistance Administration appropriations, welfare to dependents, workmen's compensation, medical payments, medical insurance, burglary and robbery insurance, government insurance, police costs, court costs, prison costs, business and personal property losses and merchandise price rises.

About 200,000 persons are wounded annually by guns in the United States. The average expense of gun wounds in a Providence hospital for one year was found to be \$2,000. Chicago had 67 spinal injury cases due to gun wounds in 1974. According to the Rehabilitation Institute of Chicago, the initial cost to a victim is \$30,000 and the lifetime cost, \$500,000. Minorities are the main victims of gun crime and require the most government aid as a result of it. Moreover, the shortage of blood plasma is aggravated by inexcusable gun assaults.

### FIREARMS: PROTECTION OR DANGER?

A firearm is much more of a psychological protection than a physical protection. Adding firearms for home protection has mostly added tragic confrontations, fatal quarrels, domestic accidents and mistaken shootings.

A truly protective firearm must be carried at all times or kept accessible. If it is carried at all times, it will not prevent murders of the holders—as, for example, the 858 armed policemen who were killed from 1964 through 1973. If the firearm is kept accessible, it will be accessible to everyone else in the home, including children. New York City, under the state Sullivan Law, reported only 20 homeowners killed in 1,300,000 burglaries from 1958 through 1967. But two armed N.Y.C. gun store clerks were shot to death in a defensive effort at a recent robbery.

Americans incur the risk and expense of arming against criminals and subversives who are armed through the acquiescence of the same Americans.

Guns are the most dangerous, most accurate and most often used weapons in killing. That there are other means for murder is meaningless. Other weapons are not used much for murder in gun-controlled nations. Other weapons are less popular because they prompt scuffles and self-injuries.

A firearm tempts, emboldens and stimulates the lawless or impulsive to violent behavior, according to studies at Temple and Wisconsin. Killing by firearm is relatively impersonal and easy.

Despite the clamor about protection, privacy, hunting, target shooting and the Second Amendment, no gun control group wants to deprive normal citizens of long guns. Conversely, people who are sounding an alarm about a defenseless citizenry also are saying that organized crime would furnish the replacements. If the latter operation were anything like that, law enforcement should have no trouble finding the illegitimate sources. A market for homemade guns is not likely in view of the dangers of commercial cheapies now.

### CRIMINALS AND LAW-ABIDING CITIZENS

Criminals are too often classified as an autonomous group of affluent, clever and resourceful people who would always get guns. Actually, most criminals are young amateurs who would have no more access to scarce guns than anybody else. They probably would find that their father's gun was not available either.

Criminal access to guns under controls would depend upon connections and means. The mostly small timers who rely on thefts and street deals for their guns and ammunition would be curbed as much as anyone else.

Letters from Congress rarely mention the unfit owner, the cost of crime, or the large number of licensees that controls would bring.

A Congressman would not penalize law-abiding citizens. What penalty? A Congressman says federal legislation would only disarm citizens. What legislation? A Senator sees no need to make it unlawful for the average good citizen to own a gun if he wishes. Who does? A Congressman says present laws are adequate, new laws would not stop homicides, and stricter enforcement is needed. The crime rate is no tribute to present laws. Laws don't "stop" anything. Our police forces and courts are overwhelmed.

A Senator is troubled by crime in his state but does not want to impinge on sportsmen or homeowners. The crime tab is an impingement in itself. A Senator would not deprive sportsmen of guns while denying guns to criminals. There is no such bill. A Senator favors a mandatory sentence for carrying a gun without a permit during a crime and favors restrictions on the cheap handgun but opposes licensing or registering. Why only permits? Why only cheapies? What about the so-called law-abiding, who commit most of the murders, suicides and accidental homicides?

### PRISON SENTENCES

Trying to curb gun crime only through mandatory and heavier sentences is not only more costly but it overlooks many problems.

We clear only 20 percent of serious crime, so lawbreakers have little fear of being caught or of serving a sentence. Eighty percent of the criminals caught are repeaters, but keeping the repeaters in jail would not effect many of the wrongdoers.

Murderers seldom have considered their sentences, severe as they are and high as the conviction rate is: Moreover, it would be dangerous to make the minimum sentence for armed robbery almost as high as that for murder.

Increased penalties hardly would influence addicts, alcoholics, incompetents, etc. Five years added to sentences of 15 years would not deter crime, according to Presidential crime study commissions. Criminologists say that long sentences harden inmates and delay their rehabilitation. They also say that sentences do not deter the lawless on the outside. Sentences must be shorter for juveniles, who account for a high percentage of serious crime.

American prison sentences generally are more severe than in other western countries. Domestically, states with stronger sentences historically have higher crime rates than states with shorter sentences.

In spite of the low apprehension rate and the high number of unreported crimes, our enforcers are overrun, our courts are overburdened and our jails are overcrowded. Any call for more convictions and longer imprisonment would have to be accompanied by a large assessment for additional police and judges and new prisons.

## CONSTITUTIONALITY OF FEDERAL LAWS

Some Americans, even in Congress, insist that federal gun control laws are unconstitutional.

Federal laws passed in 1934, 1938 and 1968 remain in effect.

A series of Presidential crime study commissions have recommended strong federal gun control. The U.S. attorney general and the director of the Federal Bureau of Investigation have indicated a need for more federal laws. Congressional Judiciary committees are studying gun legislation.

In 1971 the U.S. Supreme Court advised that Congress could forbid possession of any firearms by risky people "regardless of whether the gun was in commerce or affecting commerce."

State and local jurisdiction is advocated by the same critics who attack the strong Sullivan Law of New York. The 20,000 mostly mild state and local gun laws in 200 years are not much of a recommendation in view of current gun crime rates.

Claims that state and local laws are proper, federal laws are unconstitutional and the Second Amendment guarantees individual ownership are shelved with the almost universal call for a federal ban on cheap handguns. A federal mandatory sentence for a gun crime also would subordinate local police powers. The firearms industry supports the claim of unconstitutionality but spends considerable money fighting federal gun control bills.

## THE SECOND AMENDMENT AND SMALL ARMS DEFENSE

"A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed," reads the Second Amendment to the United States Constitution.

Despite the military context of the Second Amendment, the historical reason for it and subsequent U.S. Supreme Court rulings, many people maintain that it confers a right to individual ownership irrespective of government service.

Even if individual ownership were classified as membership in a "well-regulated" militia, the rights in the Bill of Rights are not absolute. Gun possession still would be regulated like freedom of speech, freedom of the press or freedom of assembly.

Keeping and bearing arms is military terminology. The militiamen were allowed to keep arms for common defense of a free state. They did not have to be told they could own their own gun. They were allowed to bear arms in state or colonial defense against any central standing army, which was a concern inherited from the English. The militiamen didn't have to be told they could carry their gun into the woods and shoot game. To define the militia as "well-regulated" assumes the amendment was not authorizing renegade or individual revolt but insuring state sovereignty.

It would have been peculiar if the pioneers had provided a special amendment for private ownership of guns at a time when there was a shooting iron in every cabin. The Fifth Amendment protects private property. A new constitution today hardly would call for a clause certifying television sets.

The U.S. Supreme Court has never upheld an individual right to carry weapons—as on an unauthorized march or transportation of an illegal gun across a state border—on the basis of the Second Amendment. The U.S. Supreme Court, which can find state or local laws in violation of the Bill of Rights, has never declared a gun control law unconstitutional.

The U.S. Department of Justice asserts that the Second Amendment does not apply to the private ownership of guns.



The concealed-weapons law adopted by Kentucky in 1813 infringes on gun-carrying, but it was not protested as a violation of individual rights by any of the Constitution signers still alive at the time. The recent banning of grenades and bezooks for civilians infringes on a "right" to keep arms, but it probably will not be protested.

If you claim an unconditional right for everyone to keep and bear arms, you are assuming the Founding Fathers overlooked insanity, blindness, youngness or any other disqualification from reliable gun possession.

Reliance on a militia connection for gun-owning eligibility disqualifies women, as well as men outside militia age limits. Interpreted as an individual right, the Second Amendment would forbid a policeman's confiscation of a suspect's gun. If the Second Amendment were the only claim to having a gun, you couldn't carry it until there was an emergency call. Militias act only when summoned.

Some gun owners fancy themselves as a final line of defense against all enemies—foreign and domestic. Their dispersed, untrained, leaderless "militia" doesn't even want to be registered. Neither the Commander-in-Chief nor the Department of Defense has ever issued a call to arms or preparedness for such a backup army.

Soviet submarines with missiles stood a few hundred miles off the East Coast recently, not long after a California police chief suggested that we might have to send civilians to the Pacific shore with pistols some day. The concept of small arms as a national force in this age of weaponry is ludicrous.

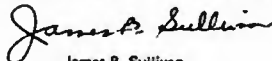
### SUPPORT OF ENFORCEMENT OFFICIALS

Authorities on law and its enforcement who attribute much gun crime to the proliferation of firearms and who favor stronger gun control include Robert J. diGrazie, police commissioner of Boston; Warren R. Spennaus, attorney general of Minnesota; Peter J. Pitchess, sheriff of Los Angeles County; James M. Rochford, police superintendent of Chicago; Clarence M. Kallay, director of the Federal Bureau of Investigation; Lewis Coffey, police chief of Cleveland; Michael Codd, police commissioner of New York City; Jerry V. Wilson, former police chief of Washington, D.C.; Patrick V. Murphy, former police commissioner of New York City, and Franklin E. Zimring, law professor at the University of Chicago and gun expert for the Eisenhower crime commission.

### AUTHOR'S BACKGROUND

I am James B. Sullivan, 53 years old, Minot, N.D. I have been the sports editor of *The Minot Daily News* since August, 1948, my only professional position. I am a native of Breckenridge, Minn., and a high school graduate of Fergus Falls, Minn. I attended the University of North Dakota, St. John's of Collegeville and Minot State College. I served 39 months in the Army Air Force in World War II.

I have been researching and writing on firearms control since the assassination of Sen. Robert Kennedy in June, 1968. I have been a board member of the National Council for a Responsible Firearms Policy, Inc., Washington, since January 1972. I have written 78 full sports columns on gun control and have published 11 papers and two pamphlets on the subject. My papers and pamphlets have been most freely used by the Boston Police Department. The only payment I have accepted was from Congressman Charles A. Mosher, R-Ohio, for a large number of pamphlets. I appeared on a Chicago WGN radio panel in November, 1973. My work has been publicized by Edward P. Morgan of ABC, Washington columnist Clayton Fritchey and Chicago columnists Robert Cromie and Sydney J. Harris.



James B. Sullivan  
Board Member  
National Council  
for a Responsible  
Firearms Policy, Inc.  
1028 Connecticut Ave. NW  
Washington, D.C. 20036  
June 17, 1975

Mailing Address:  
826 First St. SE  
Minot, ND 58701

Mr. CONYERS. We would like to call a panel of two veteran marksmen. H. K. "Joe" Benner and Mr. Robert Chow. Mr. Benner is a former coach of the rifle and pistol team at West Point Military Academy and Mr. Chow is an Olympics gold medalist in target competition. If they come before us and testify for the complete abolition of guns we will be totally surprised. Welcome gentlemen. Will you tell us your views and raise the major points that you would like to impress upon this committee.

**TESTIMONY OF ROBERT CHOW, SPORTING GOODS STORE OWNER,  
ACCOMPANIED BY H. K. BENNER**

Mr. CHOW. May I, while it is fresh in my mind, answer something that came to my mind while I was listening to Ms. Helfgott.

Mr. CONYERS. Speak a little louder sir.

Mr. CHOW. I speak very softly and low. She suffered an unfortunate experience at the hands of a criminal and I'm very sorry that she did but I'm very happy that no one was injured and I'm sure that the thing and what she wanted to do is purely from the heart. She wants to help people and aid everyone but the thought occurred to me that she was robbed by a criminal. Criminals are breaking all the known laws already so I doubt another law passed outlawing guns would deter and stop this gentleman. Also she made a note that Sheriff Pitchess made a few statements regarding guns and I also made a couple of notes that Police Chief Davis of Los Angeles said there are over 7 million in Los Angeles and only 7,000 policemen. He says don't think you can get any help from us, you better forget about it, you better protect yourself the best way you can until we get there. Now that is the statement of Chief Davis and I go along with that. I'm sorry if I interrupted.

Mr. CONYERS. I think all of these points are perfectly in order. I think what you have illustrated Mr. Chow is that law enforcement officers like civilians among us have different views and we are entitled to subscribe to whichever opinion makes more sense and logic to us.

Mr. CHOW. I agree.

[Biography of Robert Chow follows:]

**FRANK ROBERT CHOW, SPORTING GOODS STORE OWNER**

My name is Frank Robert Chow, better known as F. Bob Chow. I am from San Francisco, California where I own a sporting goods store. My profession is gunsmithing.

*Education.*—Grade, high school with a stint at Texas A&M and UC.

*Military service.*—United States Navy with rank of Chief Petty Officer; served W W II 1942 to 1946; and Korean War 1950 to 1953.

*Shooting:* I have been associated with shooters and shooting for over 55 years.

Starting at age 12 under the guidance of NRA instructors I was taught safety and the rudiments of shooting.

Being raised in a rural town in central California most of my shooting was confined to small game, deer and some target work.

Moved to Los Angeles in the early 30's where there were no hunting. I then found and joined a rifle club to further my shooting skill. As this was during the depression years it was most fortunate that this club was a NRA and DCM sponsored one. The director of civilian marksmanship would loan a

quantity of target rifles for club members to use and also make available ammunition at a greatly reduced price. Without this aid it would have been impossible for me to shoot.

Fired with the La Brea Club with 22 and 30 cal. rifle until 1934 when I tried pistol shooting and found it to be more challenging and to my liking. Have fired pistol since. I have not attained the skill and gathered as many laurels as my friend Mr. Benner, but I was fortunate to attain a fair degree of success.

United States Olympic team, England 1948.

United States International team.

Regional Championships.

States Championships.

U.S. Navy, National Championship.

U.S. Navy Distinguish Medal Winner.

Mexico Matches.

Thousands of awards won.

Holder of 26 world and national records.

Scores of local and state championships.

*Recap and credits.*—To the director of civilian marksmanship for its foresight and aid to encourage and further the skill of firearms to all Americans so that in event of a need, we will have some men trained and ready. All this by making firearms, 22, 30, and 45 available thru loans to reputable clubs. Also making ammunition for same available. I believe that the man with a rifle is the last say.

To the National Rifle Association, its loyal and tireless members, instructors and clubs that makes it possible for any one, be he civilian, military or police to receive instructions in safety and use of all types of guns, be it for target or for defense. Without their aid I would have never been able to help our country as a small arms instructor during WW II and the Korean War nor would I have been able to attain what skill I may have now.

*Present shooting equipments.*—Varied types are necessary for USA type and international types of shooting.

#### USA TYPES

22 long rifle caliber.—Own built high standard custom with Douglas barrel and Bo Mar ramp sight.

38 special caliber.—Own built Colt 38, accurized custom 38 SBL with Bo Mar sights.

45 ACP caliber.—Own built Colt 45 accurized custom with Bo Mar sights.

#### INTERNATIONAL TYPES

22 long rifle caliber.—Hammerli single shot pistol.

22 shorts rifle caliber.—Own built rapidfire on high standard receiver.

22 long rifle caliber.—Own built, high standard with Douglas barrel and Bo Mar sights.

32 long rifle caliber.—Walther pistol, German.

Mr. CONYERS. Let me recognize Mr. Benner.

Mr. BENNER. Thank you Mr. Chairman. My name is Joe Benner, and I live in Tampa, Fla. I enlisted in the U.S. Army in 1935 and retired as a sergeant major in 1963. My last duty assignment in the Army was as a cadet pistol coach, U.S. Military Academy from 1953 to 1963 when I retired. My duties while assigned at the U.S. Military Academy was to organize a pistol team and acquaint the cadets with marksmanship which is their primary duty as a professional soldier to be able to handle a firearm. My accomplishment as a pistol shooter was in the Olympic games. In Finland in 1952, London 1948, and Melbourne, Australia in 1956. I won a gold medal and a second place in those events. I won the world's championship three times in Buenos Aires, Argentina in 1949, Oslo, Norway in 1952, Caracas, Venezuela in 1954, and in Moscow in 1958. Pan American games in

1950, Buenos Aires, Argentina, Mexico City, Mexico 1955. There were six gold medals awarded and I was fortunate enough to win five of them. I also have the Army's distinguished pistol badge, I have the International distinguished pistol badge, and I won the national individual service match which has to be shot with a service pistol and service ammunition. In my time in the Army I competed with the all-Army pistol team in Fort Benning, Ga. where they have the all-Army matches, and I shot in more than 20 of them and won approximately 15 of them. As coach of the pistol team at West Point our cadet pistol team did a magnificent job and we competed against the Navy 10 times and out of those 10 events they won seven. After retirement from the Army I accepted a position with the High Standard Firearms people as director of shooting education. At the present time I have a wholesale distributorship in Tampa, Fla. for security equipment for law enforcement and other security people. Thank you very much.

Mr. CONYERS. Now that we know how expert you are, what is your position on this subject. We are sure it must have some bearing on your concern for the subject matter. What do you say we impose a system of national registration and licensing of weapons and that we either put a moratorium on handgun production or forbid possession of handguns for a few years to see what it will take to make laws more workable.

Mr. BENNER. I don't really feel that taking handguns away from the people is really going to solve anything.

Mr. CONYERS. Well I didn't suggest that, I said if we stopped the manufacture. That does not have anything to do with confiscating weapons that are already out. Banning the possession of handguns, I suppose, gets a little closer to home in that it would mean that people would have to register them.

Mr. BENNER. Well, I do think we need a good shooting-education program to require every man that is a businessman—

Mr. CONYERS. I want to stand corrected here, when we use the term eliminating the possession of handguns that would have the result of removing guns presently in the possession of people so I want to correct that statement, that was an error.

Mr. BENNER. I do think that they should have some type of an educational program for every member who goes and buys a firearm. They should be checked out to make sure he is familiar with that type of weapon and he knows what kind of ammunition to use in it and he knows how to operate it, so fire it, he knows how to unload it and load it and use the safety as provided for and one way to have that would be like the automobile, you don't let a man drive an automobile without a license to show that he is proficient in driving and with a license just like a driver of an automobile he should have a license showing that he is proficient with that type of weapon and that will eliminate accidents or accidentally discharging the gun in the home when he is getting ready to go out to the field hunting and so forth.

Mr. CONYERS. Glad to hear that point of view. Mr. Chow.

Mr. CHOW. He is an awfully hard act to follow. As I stated in my report to you gentlemen that I have never put myself in the

class of my friend Joe here but I have gained a little something in my 55 years in shooting. Military service, U.S. Navy, chief petty officer, served as instructor, small arms in both World War II and the Korean War and I am a professional gunsmith. Gunsmithing is my line and I have a sporting goods store in San Francisco. Like I say I have not attained the skill or gathered as many laurels as my friend Joe but I have obtained a few. U.S. Olympic Team, international team, regional champion, State champion, U.S. Navy champion, distinguished medal winner, U.S. Navy, Mexico matches, holder of 25 world and national records, scores of local championships. Now that is nothing, a drop in the bucket compared with Joe. I think I consider myself an ordinary marksman.

Mr. CONYERS. You might have been connected with that Navy team that gave him such a tough time.

Mr. CHOW. Three of twenty? Well, we did win a few national championships. I was fortunate to be a member when they were doing that and injecting the point of why handguns should be banned I don't believe that we should put any sort of a ban on any handguns, but I do believe in good educational marksmanship training like they have done with the National Rifle Association. The LEAA have stated that there is over 100 million private guns, and out of that, 0.0035 percent were ever used in the commission of a crime; so that I don't think, by gosh, the rest of us people should be suffering for the small minority. Let us take that small minority and place them in the corner and sell whatever you want; then we go on from there, and so aggravated assaults. Only 25 percent of aggravated assaults was ever used with guns, the rest was the club, knife, fist. So are we going to do anything about registering hands or clubs or anything like that? You see, those are the things that enter my mind and it worries me a little bit. We have in the United States something like 58,000 licensed and registered shooters, pistol shooters. Of course, I am concerned mainly with the pistol and unregistered. We have nearly that amount again; so we are talking about like 100,000-125,000, or whatever people that are interested in shooting, so shooting can't be entirely that bad. They have never had one serious accident recorded in recorded history in any shooting match. That's a matter of record, so, therefore, you can't say we are careless.

Now, if we are talking about safety, well look, as a matter of fact, safety is as I see it, this way, the No. 1 killer is your automobile, rating about 57,000. Falls, 17,400; drownings, 7,600; fire burning, 6,800; poison gas, suicides, and so forth, 5,300; suffocation, choking on meat nearly 4,000. OK, where do firearms come in? No. 7 with 2,400, rated 1.2 per 100,000. Now, if we are going to do something to save lives, why do you start with the number seven? Why don't we do something about the rest of those things? These are the thoughts that enter my mind, and so registering guns, all handguns—I am in the gun game and I know that California has a very restrictive law. Before you can buy a gun you must show positive identification and we just don't send one, like Mrs. Peterson in Arizona, just to the Tucson police. We send one to the San Francisco police department; we send one to the Central Bureau of Investiga-

tion, and we send one to the FBI. He is checked and in 5 days if he is clear, then I deliver the weapon to the man, so how can you check any closer than that? And, so let's register guns, everyone is registered anyway, so I can't understand why all this registering stuff. Is there anything else you would like me to elaborate on?

Mr. CONYERS. I would like to recognize Counsel Gekas for less than 5 minutes and then Counsel Barboza.

Mr. GEKAS. I have a couple of questions about the nature of his pistol competition. First of all, what kind of handguns are used in pistol competition?

Mr. CHOW. Well, also on my little sheet here I listed two types of pistols. One is a U.S. type of shooting which we shoot, so-called national course and the Perry course and so on. In that type of shooting, gentlemen, we use three types of weapons, the .22, the centerfire, and the .45. Centerfire consisting of about .30 to .38 to .45, and those type guns are used in U.S. shooting. Now, in the international type shooting there are four different types of guns. One is the free pistol which means you are free to do anything you want with the thing. It is a long pistol with a 3- or 4-ounce pull, and that is generally a highly specialized shooting; 50 meters. Then we have a .22 short, that is, shoots a very small cartridge, so you would not have a muzzle jump. That is used in terms of rapid fire shooting, and the international with the silhouettes. You have seen that on TV. Then we have another one called the standard pistol, which is a .22 long rifle which is fired at 25 meters. That is another gun. All right, and now, then, we have another match called the hunter fire pistol, and that is shot from a .32 or larger, so therefore, you see it is not just one firearm or gun, it takes several.

Mr. GEKAS. Are they long barreled or short barreled?

Mr. CHOW. There are short-barreled ones for the rapid fire. Longer ones for the .22 shot and the free pistol has a barrel of maybe 12-14 inches.

Mr. GEKAS. Are most of the pistols especially designed for target shooting?

Mr. CHOW. Yes and no, because I—take myself, if you look at my little paper I am a gunsmith and my principal job is to—I take a pistol like Mr. Benner handles, a high standard, I remove the barrel, I put a special Douglas barrel on it, I put on sights. I accurize these guns.

Mr. GEKAS. You take a regular gun that is regularly manufactured and do a lot of special work?

Mr. CHOW. Yes.

Mr. GEKAS. What kind of a pistol did you use in your long career. Did you use all varieties or did you specialize?

Mr. BENNER. To win our national championship at Camp Perry, Ohio, you have to use three guns, 90 rounds with each gun. Three of them: .22, .38, and a .45 and the combined aggregate of all three of them together is the winner.

Mr. GEKAS. Generally, one of the questions we have in looking at different types of guns and the term Saturday night special has been thrown around, are there any pistol competitions in which they use the cheap, poorly constructed imported firearms?

Mr. BENNER. I don't think he'd have a chance to win with a gun of that caliber, because the guns that you use in competition are really skillfully put together, honed for action, tolerances took out, until it is almost like a Rolls-Royce motor.

Mr. GEKAS. Consequently, they are very expensive?

Mr. BENNER. Yes, sir.

Mr. GEKAS. So if someone wanted to, free pistol, if you wanted to use a \$19.95 handgun that he bought down at some hardware store, he could come in and use it if he wanted to, but as a matter of fact, no one does because they are not that accurate?

Mr. BENNER. He couldn't possibly be scored because he couldn't hit the target enough.

Mr. GEKAS. With your experience in target shooting, you can say that these cheap, inexpensive guns are not—have no ability at all in target shooting?

Mr. BENNER. Never seen one in a competitive target match.

Mr. GEKAS. Now let me finish off with one final series of questions. How widespread is pistol and target shooting? Are there where you are in Florida and Mr. Chow where you are in California? Are there clubs and young people becoming involved in it?

Mr. BENNER. Yes, in the State of Florida we have a Florida State Rifle and Pistol Association that everybody belongs in order to shoot competitively. I don't know the exact number in the State of Florida, but there are 78,000 registered competitive shooters in this country.

Mr. GEKAS. And then every year there are statewide competitions, regional competitions, national competitions, and then international?

Mr. BENNER. Yes, and the Olympic games. If we are going to continue to support a group of people that will represent us in the international matches and in the Olympics we have got to have weapons available for those people to train with and to work with and to be able to shoot and be familiar with. If we don't have them, pretty soon we will not have representatives at all in any of the world competition matches and another thing I'd like to see changed—is change the laws in such a manner that a registered competitive shooter could go to the national matches at Camp Perry, Ohio, and go through the State of Florida, Georgia, Kentucky, Tennessee and into Ohio without having to go through the process of checking his guns with somebody or somebody finding the gun. Now in Florida we can carry a gun in the glove compartment, you get into Kentucky, brother you had it, and you got to lay out everything.

Mr. GEKAS. What you are saying is that current laws put restrictions on target shooters who travel across State lines?

Mr. BENNER. That's true, to get out of their State to shoot in any kind of registered competition.

Mr. CHOW. If I may interject. I think it is erroneous to say that there are no competition for short-barreled guns.

Mr. GEKAS. Well I didn't say short-barreled guns. You said there were short-barreled guns, what I am talking about is cheap inexpensive ones.

Mr. CHOW. I agree with you there but there is competition for short guns. There are detectives that wear plainclothes and the U.S.

Revolver Association have regular matches where they fire with the 2-inch barrel and then with the 4-inch barrel and so on. I didn't want that to be confused.

Mr. GEKAS. But even those are high priced guns.

Mr. BENNER. You can't buy one for \$15.

Mr. GEKAS. You can't buy one for \$150. Thank you Mr. Chairman.

Mr. CONYERS. Counsel Barboza?

Mr. BARBOZA. Mr. Benner you indicated that you own a wholesale distributorship in Florida. Where is it located?

Mr. BENNER. Tampa.

Mr. BARBOZA. Do you sell firearms?

Mr. BENNER. Yes, sir.

Mr. BARBOZA. Handguns?

Mr. BENNER. That would meet the requirements for law enforcement and security people, yes I do.

Mr. BARBOZA. What manufacturing companies do you sell for?

Mr. BENNER. Ruger, Smith and Wesson, Colt, High Standard, Charter. I import guns out of Austria that wouldn't fall in the "Saturday night special" bill because I just ordered ten of them and it cost me \$20,000.

Mr. BARBOZA. Do you sell to dealers in the State of Florida?

Mr. BENNER. Yes, sir.

Mr. BARBOZA. Do you sell to dealers outside the State of Florida?

Mr. BENNER. Occasionally yes. I ship to those by UPS, if they call me and I have a copy of their Federal firearms license.

Mr. BARBOZA. How large are the orders to out-of-state dealers?

Mr. BENNER. Well last year; I don't know exactly, I couldn't break that down but I sold about \$175,000 worth of guns last year.

Mr. BARBOZA. Could you indicate the states you do business in outside of Florida?

Mr. BENNER. Some in Tennessee, some in Georgia, some in Alabama; in that area, some in the east area, but most of them were sold to law enforcement and security people in the State of Florida, riot shotguns and so forth.

Mr. BARBOZA. Would you state the barrel lengths and frame sizes of the guns you sell to security people and police, distinguishing them from private investigators and other kinds of security personnel? Is there a difference in the kinds and size of guns they use, depending upon whether the gun is concealed or worn on the hip?

Mr. BENNER. Private investigators who carry guns concealed yes, I have a little 2-inch Smith and Wesson Chief, stainless steel that they can use. Charter also produces a nice little gun for undercover work; but in law enforcement work and security work most all of them carry the 4-inch barrel.

Mr. BARBOZA. Why do you restrict sales to law enforcement agencies?

Mr. BENNER. I primarily give my business to the law enforcement and security business because I have good contacts there. I met them at these different matches and they get to know me and I am not really big enough to supply everybody in the State of Florida that wants one so I try to restrict myself to those people that I know.



Mr. BARBOZA. So, what you mean is, if I were to come into your shop, I couldn't buy a gun from you because I am not a law enforcement officer?

Mr. BENNER. No.

Mr. BARBOZA. You specialize in the kinds of guns that law enforcement officials would use is that right?

Mr. BENNER. I wouldn't sell you a gun.

Mr. BARBOZA. Well if I were a Florida resident?

Mr. BENNER. If you were a Florida resident and had a driver's license I probably could but that would never happen because I sell only to federally licensed dealers, but if you owned a business and you had a Federal firearms license I'd have to sell to you if you came to me.

Mr. BARBOZA. What is the difference between the wholesale business and the retail dealership? There is, of course, no definition in the law for these terms and there is no wholesale or retail dealer's license. Why did you decide to restrict your business?

Mr. BENNER. Wholesale or distributors in firearms do not sell retail because there wouldn't be any point in me selling guns at my place to Mr. Chow as a dealer and he has to hold the dealer's line because I could undersell him \$25 a gun and run him out of the business if I wanted to. If I am going to supply him with guns I have to keep the price at the dealer level to him.

Mr. BARBOZA. Are there any other wholesalers in the State of Florida?

Mr. BENNER. I don't know how many there are but there are quite a few but you have got to buy guns on a large volume basis to be a wholesale distributor because they wouldn't sell you 10 guns or 20, you got to buy them by the hundreds or you can't have them because they know you couldn't retail that kind of merchandise in that number.

Mr. BARBOZA. Colt, Smith and Wesson, and Ruger have indicated to the subcommittee that it is their policy to ship handguns to wholesaler distributors only. Colt said that this is a relatively new policy; before that they were selling smaller quantities of guns directly to dealers. Would you elaborate on that and maybe some of the security precautions you take in your business, since you probably stock a large number of guns?

Mr. BENNER. Well I don't think that Ruger could sell, their paperwork and the volume of business would be tremendous if they had to sell individually a gun, it would be better if you would take 100 and you would take care of that. Another man who will buy 100 or 500 and he will take care of those and then it is up to him to be sure he complies with the law and sells only to a registered firm dealer who has a Federal firearms license and he has a legitimate business, a retail outlet.

Mr. BARBOZA. If the Committee were to decide to realine the method of distribution of firearms to create wholesale and retail licenses and require manufacturers to sell only to wholesale dealers who could sell to retail dealers who in turn would sell to nonlicensees in their own States, do you think that might have an effect on reducing thefts and making the business a little more responsible?

Mr. BENNER. I would think that situation exists right today.

Mr. BARBOZA. Do you think there is a trend toward that?

Mr. BENNER. I don't know of any retail dealer that can buy directly from any manufacturer because he has to go through his local distributor to get his merchandise. If they could bypass the distributor then I'd have to quit because there wouldn't be any business for me if they are going to sell direct to everybody.

Mr. BARBOZA. Mr. Chow could you just briefly explain to the subcommittee your background and experience and how you became a gunsmith. Did you have any schooling or education before becoming a gunsmith, or was it a hobby which developed into a business?

Mr. CHOW. This is one of the occasions where your avocation becomes your vocation. I was trained on electronics which was my field but I started like the record shows, you start shooting at a very tender age and I used to have my guns worked on and I did not feel that they were the way I wanted them so therefore being an electrician I was trained in machinery and the use of handtools and so on. And I was able to—I had friends that were gunsmiths and I was able to work on my own guns more and more; and I would help them out on my time off and so on; and then I became an apprentice to a gunsmith and during World War II; due to the background I was made a small arms instructor in the U.S. Navy teaching small arms to rear seat gunners and pilots, and handguns and rifles, and I was very closely associated with guns then you see, so I would have to watch some of the men repairing them, and this and that, and so after World War II instead of going back to electronics, I went with a gun firm. I was supervisor of, Well, Marine Corporation's small arms, Marine Corporation; and then I was a supervisor of a gun firm in San Francisco. And then along came the Korean war and from then on when I came out of the Korean war, I owned my own shop, and from there on I have progressed generally.

Mr. BARBOZA. When you applied for your license to become a gunsmith or a dealer's license did you ever have to indicate this experience on the form?

Mr. CHOW. No, sir. There are no licenses for gunsmithing.

Mr. BARBOZA. It is the dealer's license?

Mr. CHOW. The dealer's license is the only license you have to get, and you must qualify by showing that you do have a bona fide establishment where you are doing retail.

Mr. BARBOZA. There is no requirement that you show knowledge of guns?

Mr. CHOW. In order to become a gunsmith, there is no requirement. How do all the botanist shops get a FFL license. They are not gunsmiths so it is not necessary for you to give any type of background.

Mr. BARBOZA. Do you think that it is important that an individual demonstrate a knowledge of firearms and how to work them before they are permitted to repair guns?

Mr. CHOW. Of course, if you are an automobile mechanic and you don't know anything about engines you are going to make a poor mechanic and the rest of the mechanics would not like this.

Mr. BARBOZA. Then if this subcommittee were to recommend legislation to require a showing of experience or education in order to become a gunsmith, then it would seem that that would be a great benefit to people who are bringing their guns in thinking they are getting a gunsmith who is experienced and knows what he is doing?

Mr. CHOW. That would be correct. If I knew that all gunsmiths were licensed I would feel a little freer if I went in to get my firearm fixed and you had the firearms license on the wall.

Mr. BARBOZA. Do you find that individuals come into your establishment to saw off barrels?

Mr. CHOW. No sir, the shortest length of a barrel that you can get is a minimum amount 16 inches, 26 inches overall and that is, that's it, and so I have done special weapons for the geodetic survey in Alaska where I made 12-inch barrels, 3006, that was with proper credentials and papers from the Treasury Department and so on.

Mr. BARBOZA. Could you briefly explain some of the work that you perform on firearms, on handguns particularly?

Mr. CHOW. Sale and service of all types of handguns and long guns, and shotguns and so forth, and my business consists mostly of accurizing target shooter pistols. Now if you bought a Jaguar it would be very good, it will take anything on the road, but if you wanted to beat another Jaguar you'd better get a man that understands that Jaguar a little better than the ordinary man so that is where I come in. Maybe I don't appear very modest, but I think I turn out very satisfactory target equipment.

Mr. BENNER. I can vouch for that.

Mr. CONYERS. Mr. McClory?

Mr. McCLORY. Do either of you gentlemen find any fault with the present ATF Regulations about restricting the importation of the "Saturday-night special?"

Mr. CHOW. I don't find any objections to bringing any type of unsafe gun. I wouldn't call a "Saturday-night special" any particular gun but I would say that for a .22 caliber you have to have a psi of so many pounds and for a .32 so many and establish a standard.

Mr. McCLORY. Isn't that what they do?

Mr. CHOW. No, sir, there are no bureau of standards for firearms in the United States, and I would like to see one. That way the "Saturday-night special" is all eliminated.

Mr. McCLORY. You want to have them all eliminated, the importation and the domestic manufacture?

Mr. CHOW. I did not say to restrict all guns because I am shooting a .32 Walther that comes from West Germany, the Hanerly comes from Switzerland, what I am saying is this—

Mr. McCLORY. I am talking just about the "Saturday-night special?"

Mr. CHOW. Any weapon that is unsafe and does not meet the standards, I say out.

Mr. McCLORY. Importation?

Mr. CHOW. Or manufactured or anything.

Mr. McCLORY. What's the least expensive weapon that you deal in Mr. Benner.

Mr. BENNER. I don't believe I have anything under \$100. One thing that I would like to see in all dealers of firearms is that the man that is selling guns over the counter be familiar enough to know what kind of ammunition goes with that gun, how that gun is to be operated, how it is to be loaded and show him the safety works on that and to be able to demonstrate the gun if he has to. Without—there are some dealers that sell a gun and you pick out the ammunition and fit it. You can put a 20-gage shell into a 12-gage shotgun, but you can't do it more than once or twice.  
[Biography of Huelet L. Benner follows:]

#### HUELET L. ("JOE") BENNER

I am Huelet L. ("Joe") Benner, and I live at Tampa, Florida.

I enlisted in the U.S. Army in 1935, and retired as a Sgt. Maj. in 1963. My last duty assignment in the Army was as Cadet Pistol Coach, United States Military Academy from 1953-1963, when I retired.

My accomplishments as a shooter in competition is as follows:

#### OLYMPIC GAMES

Helsinki, Finland—1952 Gold Medal, Slow Fire, Freepistol.

London, England—1958 Second Place Certificate, SF Freepistol.

Melbourne, Australia—1956 "also shot" SF Freepistol.

#### WORLD CHAMPIONSHIPS

Buenos Aires, Argentina—1949 Gold Medal Rapid Fire.

Oslo, Norway—1952 Gold Medal RF.

Caracas, Venezuela—1964 Gold Medal SF Freepistol.

Moscow, Russia—1958 "also shot" RF (did not place).

#### PAN-AMERICAN GAMES

Buenos Aires, Argentina—1950 Gold Medals RF & CF.

Mexico City, Mexico—1955 Gold Medals in 5 of 6 matches (SF Freepistol, & RF; SF, CF, and RF *Team* Matches).

Awarded the U.S. Army's Distinguished Pistol Badge—1940.

Awarded the N.R.A. International Distinguished Pistol Badge—1953.

National Pistol Matches, Camp Perry, Ohio. Winner of the National Championship 6 times: 1947, 1949, 1951, 1954, 1955, and 1959. Most other years, since 1940, I placed second.

Won the National Trophy Individual Service Match—1947. This match, sponsored by the National Board for the Promotion of Rifle Practice, is shot with .45 cal. service pistol and service ammunition. (I was Second in this match 6 times).

All-Army Matches, Ft. Benning, Ga.; Participated in about 20 of these, during the years 1938 to 1963—winning approximately 15 of them.

Coach, U.S.M.A. Pistol Teams, West Point, N.Y. 1953-1963. Ordered to West Point primarily to organize and coach a Cadet Pistol Team (non-existent prior to my arrival there). The Cadet Teams, which I coached, were most successful, as National Intercollegiate *Team* Champions and usually a Cadet was Intercollegiate Individual Champion. Frequently, I had 5 Cadets among the 10 member All American Team. AND, of the ten matches—Army vs. Navy—the Cadets won 7, during my tenure as coach.

After retirement, I accepted a position as Director of Shooting Education with High Standard Firearms, Hamden, Conn.

At present, I am a wholesale distributor (Joe Benner Security Equipment, Inc.) in Tampa, Florida, of guns, leather, ammunition, and allied products, as well as imported weapons, to police and dealers.

Mr. CONYERS. Thank you very much. Counsel Gekas?

Mr. GEKAS. We have before us an expert on guns and I thought I understand from this Mr. Chow that "Saturday night special" is a

term that is capable of being defined in terms of safety of operations and let me ask you the question, Whether or not it is possible to establish a national bureau of standards to eliminate unsafe gun standards?

Mr. CHOW. I think it is comparatively simple and the way to do it is this: Establish the standards that you do on anything else, drugs and everything else. Now in a .22 you must fire at least 50 rounds or so many rounds or so many chambers full without malfunction of any kind and it must withstand a test of so many TSI per caliber as calibers vary and that's all you have to do.

Mr. GEKAS. So it is possible scientifically and in the art of gunsmithing to define Saturday night specials and to establish a test of safety?

Mr. CHOW. To my meager mind I say it is possible.

Mr. GEKAS. Thank you.

Mr. CONYERS. Let me recognize the final questioner for the morning, Mr. Mann.

Mr. MANN. Have you had any problems with the 5-day waiting period required by San Francisco, the—

Mr. CHOW. State of California.

Mr. MANN. Does it work very well?

Mr. CHOW. It has worked excellent because in, not a lot of instances but enough to know that it is working that we have received calls from Joe Smith, please hold up his gun, he has a felonious record and even the fact that he doesn't have a felony record he has a habitual record of drunkenness or he says just hold it up and I in turn will comply every time.

Mr. MANN. We talk a good bit both of us about the necessity of gun owners knowing how to use the gun. Would you require by law the State of California for example, a precondition in addition to the 5-day period some showing or some test of that customer that he knows how to use that gun?

Mr. CHOW. I think it is a good idea because that will show that the man is capable of using it. Now how you instrument this remains to be seen, whether you do it by the Fish and Game or whether you do it locally, you must have a school and you—if you don't have a school you can't demand of a man that, look you have learn how to operate it. It is so simple because NRA will volunteer the instruction. I must have been an instructor, I teach lots of civilians, police, and everyone else in the use of handguns. I'd be very happy to volunteer my services several times a week if necessary to run a very short school. It doesn't take much time, I would say 2 hours is sufficient.

Mr. MANN. Thank you.

Mr. CONYERS. Gentlemen you have provided us with expert testimony that we frankly don't get enough of and so we are very grateful to you and I hope you follow our developments on the committee. The subcommittee stands in recess until 1:15.

[Whereupon, at 12:30 p.m. the subcommittee recessed for lunch.]

#### AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order and our next witness is a personal friend of the chairman of this subcommittee.

He is the Honorable George Edwards Jr., a judge of the U.S. Court of Appeals, Sixth Circuit. In addition to having been a member of the National Commission on Reform of the Federal Criminal Laws, which examined the subject matter that is the object of consideration of this subcommittee, he has indeed had a varied and rich background as a Probate Judge in the County of Wayne in Detroit, Michigan, chief of police of the city of Detroit, and justice of the Michigan Supreme Court. Judge George Edwards brings a wealth of experience to our hearing. This is a subject that he has long given a great deal of attention to and we are extremely honored that he would come here to Denver to join us in the search for new avenues in firearms regulation. It is on that note, Judge Edwards, that we sincerely welcome you before the subcommittee. Your statement has been incorporated into the record and we will allow you to proceed in your own way.

### TESTIMONY OF HON. GEORGE EDWARDS, JUDGE, U.S. COURT OF APPEALS

Judge EDWARDS. Thank you Mr. Chairman, Mr. McClory, and Mr. Mann, it is a pleasure to be with you gentlemen today and have a chance to talk about a problem of great significance in the enforcement of justice in the United States.

I want to start off by saying that I am not fundamentally concerned with guns. I am concerned with murders and homicides and accidental death. There are reasonable, rational purposes for weaponry and I am not unfamiliar with those purposes. I grew up in the State of Texas. I grew up in a country where hunting was part of the way of life. In World War II, I was an infantry officer. My military classification was infantry combat platoon leader. I taught weaponry in the IRS in several different places. I fired expert on the M-1 and the DAR. I don't think I would compete with the two gentlemen whom I heard testifying just before lunch. They seem to have gone much further in that regard than anything that I could make a stab at but I tell you that just because I think it is perhaps important to know that the idea of a weapon doesn't shock me, I own a shotgun. From time to time when I get a chance which is no longer very frequently, I do a little bird hunting, mostly after ducks, but I have had enough experience by now with the study of this problem and living with it to have some very pronounced views on the handgun as a part of American civilization.

I'd like to start by describing the findings of the commission which really triggered my primary interest in this subject. In 1968 I was a member of the National Commission on the Reform of the Federal Criminal Law and for 3½ years we worked at seeking to recodify the entire criminal law of the United States. We performed that task with the assistance of the very fine staff headed by Lou Schwartz and Mr. Green, the Director of the ADA Legal Standards. Lou Schwartz was the co-director of the ALI's Model Penal Code Project which staff did most of the fundamental work in relation to the draft which the commission ultimately debated at great length and approved. I feel no embarrassment in saying that I think that that product as a base of pending legislation which will be before us, probably is before the House Judiciary Committee now, and is wind-

ing its way through the Senate Judiciary Committee now and I trust that you will give it your considered attention when it comes fully before you. One part of the problem which we dealt with, dealt with questions of Federal laws in relation to firearms and explosives and after much testimony and much consideration and much debate the commission, the majority of the commission, and I should say that a substantial body of the commission, did not concur in this recommendation but a substantial did concur in the recommendation that Congress enact legislation to ban the production and possession of, and trafficking in, handguns with exception only for military police and similar official activities and to require registration of all firearms. Now these positions were not taken lightly. They were not taken without careful examination of the statistical background of the rising rate of murder and homicide in these United States and they were taken with a view of making a contribution toward creating that great phrase that Mr. Justice Cardozo once used, a society of ordered liberty. A society of ordered liberty itself of course is contradictory in terms, in a sense, but also is a goal and a very high ideal for us to strive toward.

One part of my experience however comes from a somewhat different background. It comes from the fact that before becoming a member of the United States Court of Appeals for the 6th Circuit, I served as police commissioner in Detroit for 2 eventful and very fascinating, and for me very interesting and instructive years. In the course of that space of time I had to be the head of the administrative organization encompassing 4,500 police officers. All of those police officers were required to carry a handgun all the time and therefore hardly a week went by that as commissioner of that department I didn't have to deal with some episode involving a tragic circumstance or at least a difficult circumstance as a result of the fact that that gun had to be taken into an American home and kept there. Children of the police officers, shot, wounded, other children in the neighborhood or vice versa, other children in the neighborhood came in and shot children of the police officers by accident in the overwhelming majority of these instances. But police officers and their wives are human and they drink from time to time who, hopefully, they are off duty, and they have marital arguments and the number of instances where a policeman shot a wife or a wife shot a policeman were considerable. The numbers of incidents where accidents with those guns, where the gun was dropped and went off and either hit the bearer or hit somebody else in the room were very impressive to me as commissioner of police, but of all the things which I think really have staggered my imagination in dealing with this problem is the comparison between the homicide rate in Detroit in the years which I was police commissioner—one year it was 98, the other year it was 102 as I recall the statistics and the gentlemen as you know from having been in Detroit and hearing recently it is over 800 at the present writing, and I don't think you will find anyone in Detroit who relates that astronomic multiplication of homicide to anything to a greater degree than they relate it to the widespread increase in possession of handguns in homes in the city of Detroit. In the years which civil strife in this country was scar-



ring so many people, so many people were turning to a weapon as a means of security.

Now that leads me to what I would like to say about a weapon as a means of security. The idea that a gun protects a home is one which I think is the most significant idea in producing the widespread purchase and keeping of the dangerous instrumentality and yet anyone who has acquaintance with this problem for any length comes to realize very quickly that the gun can't protect unless you are the one who is hunting somebody else. If there is an intruder in your home and he is armed, the fact that you reach for a weapon can get you killed. The statistics all show that weapons are very unsuccessful in repealing burglars or intruders and that on the contrary more people are killed with them in the families of the very family that the gun was supposed to protect than the other way around. I brought with me a couple of recent pieces from one of the newspapers about this topic if I can find them. The Free Press in Detroit—a 12 year old shot through the abdomen by a gun powerful enough to split a car's engine block. Tomley telephoned his mother and then called for an ambulance which rushed him to the hospital for emergency surgery. He had been hit by a 357 magnum, one of the most powerful of the handguns and with a hollow-nose bullet and this was an incident where the boy's father, a retired Detroit policeman, said that his son had been playing at home with a 10-year-old friend Danny Nowack, and Danny asked for the gun and stumbled and fired a bullet through his friend's abdomen. That boy at least at the time of that report had not died. This girl did die. GM official's daughter, 11, shot to death. The 11-year-old daughter of a General Motors Corp. executive was shot and killed Wednesday in the midst of an early morning domestic quarrel at her aunt's northwest Detroit home. She was not the target that was being fired at but she was the victim of the gun. One of the most poignant stories that I have ever heard on this score also involved Detroit. One of those who purchased a gun in the 1960's had it in his home in anticipation of repelling burglars, I suppose, if they came to his home illegally and one night he woke up at 3 in the morning—I am relying on a memory of some years ago in relation to this newspaper account of this, heard a scratching at the door, it was repeated, the third time it was repeated he had his gun on the night stand, picked it up, and fired it through the door and when he went to open the door there was his 7-year-old daughter dead on the floor outside his door. The tragedies that are involved in possessions of handguns seem to be just a ridiculous waste of human life.

Now I recognize that we are right in the heart here in Denver of the gun country of America. The people who inhabit the western plains like the State in which I was born, Texas, are devoted to outdoor life and hunting is a major part of outdoor life and I don't want to join in doing anything to suppress hunting. I want to participate in outdoor life myself and if I can get time to I would be delighted to participate in hunting but handguns aren't hunter's weapons. I read a piece that I guess somebody has tendered to you where he said he could shoot a squirrel and in addition to that with a handgun, in addition to that he said that he always tried to shoot them in the head so as not to spoil the meat. Well of course in Texas



we always tried to shoot them in the left eye, didn't think it was sporting if you shot a squirrel any place but in the left eye. Obviously you know that I am kidding and if I weren't kidding I would be talking about a 22 rifle and not about a handgun. I'd be delighted to see somebody shoot a live squirrel, not one that was tied with a handgun. It would be a fascinating experience. I suppose maybe there is somebody who can do it but he is in the sum total of the gun control question something of a freak if a very skilled one.

What are the sorts of things which produce the murder rate of this country which is now astronomic compared to most civilized nations in the world? Well they are a mixture, the things that we think of as producing murders are so remote from the murders that we see in the courts and in police departments that they almost aren't on speaking acquaintance. I grew up, as perhaps some of you did, on Sherlock Holmes stories and I learned the format Arthur Conan Doyle used. There was an evil but intelligent man who was seeking to wipe out another human being and he had a motive for this, either revenge or economic gain and it was a profoundly important motive to him and he laid plans to wipe out this specific individual, and that's what we think of as the American people because of the countless millions of murder mysteries which have followed the Conan Doyle pattern. That's what we think murders are. Gentlemen murder isn't that at all in these United States. I must have had intimate contact with at least 1,000 murders in my service in a trial court with criminal jurisdiction and the Supreme Court of Michigan, the police commissioners job in Detroit and 11 years on this court and I have never seen such a murderer in a court record or a police record in the jurisdiction in which I served. Now I don't say there isn't such, I just say none of them has come directly to my attention out of perhaps 1,000 cases. What are the murders we see? They are a mixture of passion of one kind or another—hatred, anger, envy, jealousy—passion is the first ingredient. The second ingredient and it is always, almost always is alcohol and the third ingredient is the ready availability of a handgun.

Now I am not going to try to tell this committee or the American people or anybody else that by eliminating the manufacture, sale, and possession of handguns you are going to cure crime. Least of all am I going to tell you that you will deprive organized crime. For example the professional criminals have guns. You may cut down his ready access over a long period of years, but you certainly will not deprive him immediately of weapons, but I do want to tell you that in my judgment nothing could more quickly reverse the spiraling increase in the murder rate in these United States than stopping the manufacture and possession of handguns, and I will tell you something else that you can do that would beat even the Mafia and that is to start registering all weapons. I don't see any reason under the sun why if we register our cars we can't register our guns. I own a shotgun. If there were a place to register it I would be delighted to do so. I don't plan to use it for anything where registration would be embarrassing to me. Your committee has a very great responsibility gentlemen and I came here today to tell you this much about the work of the National Commission on Reform of the Federal Criminal Law and to wish you well in your endeavors for America.

Mr. CONYERS. Thank you very much, Judge Edwards. You have touched upon a great number of matters out of your own experience that are going to be important to the considerations that are immediately in front of the subcommittee. I would like to begin by asking you why you have chosen not to mention the socioeconomic factors that underlie in my judgment the cause for much of the atmosphere of violence that exists in America. Many people have come before this subcommittee, some of whom have very little to do with the programs that would create jobs or help change the cities to make them more livable or eliminate the slums and the lack of opportunity that creates this feeling of rage that frequently surrounds people who see the difference between what they haven't got and the aspirations that apparently are taken for granted by so many of the larger number of citizens, that this sensitivity which can so easily trigger violence occurs. Many have talked about it here before us who perhaps may use it as a shield to argue that we should not move in the area of more stringent firearm regulations?

Judge EDWARDS. Well the reason I didn't put it in my statement at the outset Mr. Chairman is that it is my understanding that your time limit for my presentation is 45 minutes, and I think perhaps we could take a week on the topic which you just opened up. If we were going to examine the causes and the cures of crime we would have to go back into the history of this country. We'd have to go back into the history of race relations in this country. We'd have to go back into the problem of poverty, of broken homes, the way in which children are brought up or not brought up in many millions of homes in these United States. One of the experiences I had early in my career, as I know you know, was that I served for 4 years as judge of the Juvenile Court of Wayne County which encompassed the county of 3 million including Detroit and I was the only judge for that county for those 4 years, only juvenile court judge, and I assure you that I am by no means unaware of the impact of poverty upon families, the impact of broken homes upon children, the impact of lack of parental care on the lives of children and the impact of racial bias upon creating tension, emotion, hatreds, and frictions. I would be willing to address with you all, or any of those questions with a view toward seeking improvement. I think that there has been some fine work done on some of these topics which is in the possession of Congress now but immediately the topic at hand is one measure by which you can do something which really costs nobody anything except the people who make profits from selling guns and you don't stop sportsmen from target practice and you don't stop sportsmen from hunting by banning handguns. They can get the pleasures that they get from hunting and from target practice with rifles, with shotguns if you are hunting birds just considerably—to a considerably greater degree in my considered judgment than with any handgun and it is because this is a specific which could make a specific impact immediately for the good on our homicide rate in these United States that I address this topic and this alone.

Mr. CONYERS. My last question is to ask you to distinguish between several alternatives that challenge this committee. They include a moratorium on handgun production, a ban on the possession

of handguns and the elimination from production of the inexpensive handgun. How would you advise us to approach the consideration of these kinds of alternatives, sir?

Judge EDWARDS. Well it is my recommendation to you, as strongly as I can make it, that you draft legislation which bans the manufacture, the sale and the possession of handguns. There is one amendment which I would also suggest that you consider and I would suggest that you have in such legislation a moratorium in relation to enforcement concerning any gun kept in the home for a substantial number of years and I would think that eventually there would be efforts made if this was intelligently pursued to have guns turned in for purchase by the United States with no questions asked so that you began to get the 40 million guns that are out and guns—that are out now and I don't know if that's off by 10 million one way or another, but I think it is closer to being an accepted figure than others. I don't think you are going to get those back in automatically by passing a bill. What you can do automatically is stop the increase in supply. You can stop the manufacture and importation of handguns, and you can stop the rise in that arsenal, and you can begin to level off the homicide rate, and you can begin also to level off the homicide rate in relation to police officers. I think that in 1974, 95 of 130 police officers killed were killed by handguns, and to me that's a tremendously important part of this matter because those men are men who are on the front line of the fight against crime.

Mr. CONYERS. Thank you. Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman. I thank you for your testimony, judge, and I think your original testimony was directed toward the subject we are concerned about and I personally am satisfied that you didn't go into these other subjects. I think we'd get into some argument as to whether or not poverty standing by itself is a cause of the proliferation of crime and I will say that one of the greatest disasters probably we have experienced is the billions of dollars we spent on the war on poverty with marginal if any effect or benefits in my own experience in the city of Washington but some of the poor families including my own neighborhood because I lived in a biracial neighborhood. My own experience is that the economic level of the family plays a very, very, minor part in the moral standards of the family but the family unit, the parental influence to which you made very proper reference, is the element in our society today which we lack more and more which is posing these tremendous problems on our schools and our society general.

Judge EDWARDS. I think we see eye to eye. Later I would like to make the point that poverty places an enormous burden upon the maintenance of a sound family unit.

Mr. McCLORY. The other subject that you raise and this is something I am sure we would have to approach very, very, carefully, for one thing the confiscation of guns or getting people to bring in their guns. That involves a whole unexplored area which I think it would be very, very, difficult for this committee to approach and the other element is this, that in my interest in getting better handgun control legislation I am trying to allay the fears of those who will say the real effort to get everybody's gun. That isn't my effort in this

program, and I think we want to be careful in suggesting that maybe that is a legislative solution. It certainly isn't within the foreseeable future as far as I can see from the standpoint of what's possible and for that matter at this time I'd say what desirable. Thank you very very much. I know we are pressed on time and I have just made my little contribution here to the comments on your testimony.

Judge EDWARDS. Might I just respond Congressman that the first step is obviously to stop the proliferation of handguns. If this committee achieved that, it would have made a monumental contribution. As far as I am concerned handguns have no social value at all except for police or military purposes and very little for those.

Mr. CONYERS. Congressman James Mann.

Mr. MANN. Thank you Mr. Chairman. Judge, this is as good a time for my experience on homicide as any. Based on my direct involvement in approximately 500 murder cases I also would reach basically the same conclusion that you did. Passion and alcohol and the ready availability of handguns accounts for the overwhelming number of those homicides. That absent either of the last two homicides would not have resulted.

Judge EDWARDS. You might have had a busted jaw and you might have had a bloody nose.

Mr. MANN. I don't share the assertion of those rather persistent and constant that some other means of taking the life would have been called for, such as a fist or a kitchen butcher knife or something of that sort. Passion doesn't carry that much power or sustenance in my judgment in most of those cases. So I merely want to second the motion and put it in the record.

Mr. CONYERS. Judge Edwards, you are going to leave me wrestling with the question of a 5-year moratorium on manufacture and possession of a handgun in the home as well as a permanent prohibition on manufacture and possession. I had frankly been thinking that possession may be hard and we might dry up the sea of weapons in which we are literally drowning by merely stopping production and letting attrition take its course. Through your efforts with the National Commission and your vast experience you are in effect urging that we move to take even quicker steps than that. I am going to invite you to stay in contact with members of this subcommittee as we work toward a rather immediate resolution of this problem. Again, I am profoundly grateful to you for coming to this fine city to meet and discuss this important matter with us. You have added immeasurably to the substance of this hearing.

Judge EDWARDS. Thank you, Mr. Chairman and members of the committee, I appreciate the invitation and was glad to have the chance to be here with you.

[The prepared statement of Judge Edwards follows:]

#### STATEMENT OF HON. GEORGE EDWARDS\*

##### MURDER AND GUN CONTROL

In the United States at this time, the topic of gun control and the topic of murder are inseparable. May I call attention to 3 myths about murder. Most

\* Judge of the United States Court of Appeals for the Sixth Circuit and former member of the National Commission on Reform of the Federal Criminal Law.

murderers are premeditated killers seeking money. The most likely murderer is a stranger—particularly one of another race. You can protect yourself from murder by keeping a pistol handy.

None of these myths is true. In fact: (1) The statistical chance of being murdered in any year is approximately one in 20,000. You can compare that to the chance of being killed in an automobile accident, which is one in 4,000. (2) The great majority of murders are products of cupidity, but of high emotion. Anger, fear, and jealousy are leading factors. (3) The great majority of murders are committed by someone closely related to or associated with the victim. (4) The possession of a handgun greatly increases the possibility that you or someone you love will be killed with or as a result of that weapon.

All recent public opinion surveys indicate that the fear of criminal attack and homicide is rampant in the minds of our urban dwellers. Such fear may indeed be the most destructive single force in the deterioration of the American city. Yet of all the causes of death, murder represents an infinitesimal percentage; even if we chose to deal only with violent death, criminal homicide rates as one of the lesser of the causes.

Automobile accidents, for example, cause five times as many violent deaths as does homicide. Home and industrial accidents cause two and one-half times as many. Falls cause twice as many, and more than twice as many people commit suicide as are killed by the willful act of another. Almost as many people die by fire each year in the United States as are murdered and, very nearly as many people die by drowning, to name just two other risks in our daily lives to which few of us ever give more than a passing thought.

Sir Arthur Conan Doyle was one of my favorite authors when I was a boy. I read everything of his that I could lay my hands on—not the least of these being the Sherlock Holmes stories. But his detective novels and those of his successors gave me very poor preparation for what I was later to see of murder in real life. Six years as a trial judge, 17 years as an appellate judge, and 2 years as Police Commissioner of Detroit have given me some very vivid contact with the crime called murder. There is almost no resemblance between ordinary murder as seen in the courts and the average murder mystery.

#### CAUSES OF MURDER

The murder mystery writer hypothesizes a single evil malefactor who concocts a long-range plot to kill an innocent party for his (or her) money. There may be such murders. But I have had somewhat vivid contact with perhaps a thousand murders without ever seeing one that fits this pattern. The closest to this pattern in our day, of course, are the gangland executions of the Mafia. But here the evil purpose is sustained by numbers of conspirators and enforced by the discipline of the mob.

Most murder in real life comes from a compound of anger, passion, intoxication, and accident—mixed in varying portions. The victims are wives, husbands, girlfriends, boyfriends, prior friends, or close acquaintances (until just before the fatal event). The quarrels that most frequently trigger murders might well result in nothing more than bloody noses or a lot of noise if there were not present a deadly weapon—handy and loaded.

All the statistics show that if you choose with care the people who will share your bedroom or your kitchen, or the adjacent bar stool, you will improve your chances of not being murdered by 3 times.

As for the one-third of murders committed by strangers, the overwhelming motive is robbery. Murder generally results from resistance and surprise. Police recommendations in every city are unanimous in counseling a holdup or burglary victim against attempting resistance. Reaching for a gun is the most dangerous possible gesture when one is confronted by an armed felon. Outside of the movies, there are few people who win in trying to draw when someone else has a gun in his hand.

Much of the current fear of being assaulted and killed by a stranger involves racial fears. Actually, in the overwhelming majority of homicides the victim and the assailant are of the same race. Marvin Wolfgang and Bernard Cohen put it this way in their book *Crime and Race*:

"Enough research has been conducted to permit the definite statement that criminal homicide, like most assaultive offenses, is predominantly in an intra-group, intraracial act. In a detailed 5-year study of homicides in Philadelphia

1948-1952), it was noted that in 516, or 94 percent, of the 550 identified relationships, the victim and offender were members of the same race. Hence, in only 34, or 6 percent, of these homicides did an offender cross the race line: 14 were Negro victims slain by whites, and 20 were whites slain by Negroes.<sup>1</sup>

Nothing I have said to this point is designed to minimize the problem of criminal homicide that we face in this country. We have a murder rate over ten times that of Great Britain—and as we will see, since the mid-1960's it has been increasing. I believe deeply in the sanctity of human life and in the duty of our country to guard and protect its citizens. But the mythology of murder has occasioned the purchasing of arms by all too many people as a means of self-defense when in fact such measures greatly increase the hazard to them and their loved ones.

#### GUN CONTROL RECOMMENDATIONS

For three and one-half years ending in 1971 I have served as a member of the National Commission on Reform of Federal Criminal Laws. Recently the Commission sent its final report to the President and to Congress.<sup>2</sup> The report deals, of course, with the whole of the criminal law and must be judged on more than just its recommendations on the most controversial topics. A substantial minority of the Commission opposed any new gun control laws. But this is what the report says concerning the majority position on gun control: [A] majority of Commissioners recommend that Congress: (1) ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and (2) require registration of all firearms . . .

Among the arguments supporting the majority view are the following. Crimes of violence and accidental homicides will be markedly reduced by suppression of handguns, which, on the one hand, are distinctively susceptible to criminal and impetuous use, and, on the other hand, are not commonly used for sporting purposes as are long guns. State control is ineffective because of differing policies and leakage between states. A comprehensive and uniform registration law will facilitate tracing a firearm when it has been used for criminal purposes.<sup>3</sup>

Both the staff report of the National Commission on the Causes and Prevention of Violence<sup>4</sup> and the final report<sup>5</sup> of that same Commission contain some compelling data concerning the relationship between murder and handguns: (1) Between 1962 and 1968, sales of long guns doubled while sales of handguns quadrupled (10 million sold in the last decade). Also note that since 1963 homicides involving firearms have increased 48 percent, while homicides by other means have risen only 10 percent.<sup>6</sup> (2) Handguns are the predominant weapon in crime, although they comprise only 27 percent of firearms in the country.<sup>7</sup> Of crimes involving firearms in large United States cities, handguns are used in 92 percent of homicides, 86 percent of aggravated assaults, and 96 percent of robberies.<sup>8</sup> (3) The Commission studied three major areas of crime: homicide, robbery, and aggravated assault. They found that two out of every three homicides, over a third of all robberies, and one out of five aggravated assaults are committed with a gun, usually a handgun.<sup>9</sup> (4) Regarding homicides, they observe that firearms are "virtually the only weapons used in killing police officers,"<sup>10</sup> and that handguns have been involved in eight of the nine assassination attempts on presidents or presidential candidates.<sup>11</sup> (5)

<sup>1</sup> M. Wolfgang & B. Colten, *Crime and Race: Conceptions and Misconceptions* 43 (1970).

<sup>2</sup> National Commission on Reform of Criminal Laws, *n* Proposed New Federal Criminal Code (Title 18 United States Code) (1971).

<sup>3</sup> *Id.* 246.

<sup>4</sup> Staff Report to National Commission on the Causes and Prevention of Violence, *Firearms and Violence in American Life* (1969) [hereinafter cited as *Firearms and Violence*].

<sup>5</sup> National Commission on the Causes and Prevention of Violence, *to Establish Justice, To Insure Domestic Tranquillity* (1969).

<sup>6</sup> *Id.* 172, 182.

<sup>7</sup> *Id.* 184-85.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* 172.

<sup>11</sup> *Id.* 173. The recent, fortunately unsuccessful, attempt on Governor George Wallace's life has dramatized this situation once again. Handguns have now been involved in nine of the ten assassination attempts on presidents or presidential candidates.



Data for 1966 show that the rate of accidental firearm deaths by geographic region parallel the pattern of firearm ownership. Over half of firearms accidents involving fatalities occur in or around the home, and about 40 percent of the victims are children or teenagers.<sup>12</sup> (6) Firearms were used in 47 percent of all completed suicide attempts.<sup>13</sup> (7) The fatality rate of the knife (the next most frequently used weapon) is about one-fifth that of the gun. A rough approximation would suggest that the use of knives instead of guns might cause 80 percent fewer fatalities.<sup>14</sup>

No one who fairly contemplates the criminal carnage that occurs in the United States can fail to conclude that disarming the criminal element of our population is essential to our civilization. National statistics indicate that 10,000 homicides occur in the United States each year with the use of firearms. Our annual murder rate is more than ten times that of England and of many other European countries. I know of no way by which we can disarm the criminal or the criminally inclined without accepting the flat prohibition of some weapons and the sale and use of others only under regulation.

#### CONSTITUTIONAL CONSIDERATIONS

The theory believed by many that as a nation we cannot legally accomplish reasonable firearm control because of the second amendment to the Constitution is simply not valid. The language of the amendment and its historic interpretation in the courts is not nearly so restrictive as is popularly believed.

The second amendment states: "A well regulated Militia, being necessary to the security of a free State, the right of people to keep and bear Arms, shall not be infringed."<sup>15</sup>

The basic United States Supreme Court interpretation of this amendment came in *United States v. Miller*,<sup>16</sup> from which we quote the holding in the opinion of Mr. Justice McReynolds:

"In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense. *Aymette v. State*, 2 Humphreys (Tenn.) 154, 158.

"The Constitution as originally adopted granted to the Congress power—'To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the State respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.' With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view."<sup>17</sup>

Thus far in the United States Supreme Court, the right to carry arms is applicable to the sort of arms that "a well regulated militia" would carry.

Indeed, in the latest consideration of firearms control, *United States v. Freed*,<sup>18</sup> the Court did not have occasion to refer to the second amendment in upholding the 1968 amendments to the National Firearms Act.

While rifles and shotguns have a legitimate relationship to the second amendment and have legitimate value for both hunting and home defense, handguns suitable for concealment are basically the weapons of the assassin, not of the militia.

Acquaintance with this problem as a judge, as a former Police Commissioner of the City of Detroit, as a former infantry officer, and as at least an occasional

<sup>12</sup> Firearms and Violence 28-32.

<sup>13</sup> *Id.* 33.

<sup>14</sup> *Id.* 41.

<sup>15</sup> U.S. Const. amend. II.

<sup>16</sup> 307 U.S. 174 (1939).

<sup>17</sup> *Id.* 178. See also *Cases v. United States*, 131 F.2d 916 (1st Cir. 1942), cert denied, 319 U.S. 770 (1943); *United States v. Tot*, 131 F.2d 261 (3d Cir. 1942).

<sup>18</sup> 401 U.S. 601 (1971).

hunter convinces me that the following steps should be taken to lessen our criminal carnage: (1) The manufacture, sale, and possession of handguns suitable for concealed weapons should be prohibited by state and federal law. (2) The purchase and possession of rifles or shotguns should in my judgment be a matter of right for any law-abiding citizen. Such weapons should, however, be registered under state law and sold only on proper identification.

These were the specific recommendations of the National Commission on Reform of Federal Criminal Laws.

#### V. CRIME IN DETROIT

I was Police Commissioner of Detroit in 1962 and 1963. In those years we were alarmed lest the total number of murders might exceed 100. We did not know when we were well off.

In the next few years racial tension increased markedly, for reasons too long to tell here. In 11 years, starting in 1963 murders in Detroit multiplied by 8 times, rising from 102 to 800. Concerning these figures Inspector Delore L. Ricard, head of the Detroit Police Department's Homicide Bureau, said:

"There are more homicides in the city because there are more handguns in the city. The relationship is that clear. You can't go by the increase in registration either. The bulk of handguns used in violent crime are not registered."

These were not Conan Doyle type murders. Inspector Ricard also said:

"It usually involves people who know each other well or members of the family. They are sitting around somewhere—at home, a bar—and there is an argument. Suddenly someone has a gun in his hand. Then someone else is dead. The argument doesn't have to be important. Maybe it's about cards or politics or even haseball. I can show you homicides that were committed for reasons you could not believe."

Gun accidents increased too. The Violence Commission found that in 1967 more homeowners were killed in gun accidents than had been killed by burglars or robbers over the previous four and one-half years.

The problem also spilled over into the suburbs. In Dearborn, handgun registration tripled between 1967 (the year of the Detroit riot) and 1969. During those years, the Dearborn police were advertising instructions for women on the use of handguns. From 1967 to 1969 the homicide rate in Dearborn went from zero to an all-time high of seven.

The Violence Commission staff report provides us with this summary:

"In our organized society the gun is rarely an effective means of protecting the home against either the burglar or the robber; the former avoids confrontation, the latter confronts too swiftly. Possession of a gun undoubtedly provides a measure of comfort to a great many Americans, but for the homeowner this comfort is largely an illusion bought at the high price of increased accidents, homicides, and more widespread illegal use of guns."<sup>10</sup>

Justice Oliver Wendell Holmes once remarked, "[t]axes are the price we pay for civilization." In the 70's in this country, gun control may well be the price we have to pay for civilization.

Mr. CONYERS. Our next witnesses are from Wyoming, California and Idaho. Robert Milek, John Lachuk and Steve Herrett. If they are here, will they please come forward and join us. We have your statements, gentlemen, and we will reprint them at this point in the record. We acknowledge that you are a panel of handgun hunters. We will assume from a neutral position that we know what your position is going to be and would invite you to make any comments as to your prepared remarks that you would like to make.

#### TESTIMONY OF ROBERT MILEK, STEVE HERRETT, AND JOHN LACHUK, PANEL OF HANDGUN HUNTERS

Mr. MILEK. My name is Robert M. Milek. I was born and raised in Wyoming where handguns, rifles, and shotguns have occupied the

<sup>10</sup> Firearms and Violence xiii.



major portion of my life. I guess you might say that I am one of the freaks that Judge Edwards referred to in that I hunt everything from squirrels to elk with handguns and I do it quite successfully. I earn my living as a firearms and outdoor writer and professional hunter. I am presently a staff writer for Shooting Times magazine whose editorial offices are in Peoria, Ill., and for Handloader magazine which headquarters in Prescott, Ariz. I also own and operate a Bighorn Outfitters, a big game guide and outfitting business that headquarters in my hometown of Thermopolis, Wyo. I appreciate the opportunity to appear before this subcommittee and express my views, and those of hundreds of thousands of other American sportsmen on handguns, handgun hunting and the irrational campaigns aimed at banning the ownership, manufacture, and use of handguns for lawful sporting purposes in America. The question is often asked me do you really believe that handgun hunting is a popular sport. Not only do I believe it but the facts indicate that handgun hunting is one of the country's fastest growing shooting sports. I base that statement on several facts. First, I am able to make a living writing about handgun hunting. Ninety percent of my work for Shooting Times concerns handgun hunting and as a writer for Handloader Magazine all of my work for that publication is handgun oriented. If interest in handguns wasn't real neither Shooting Times or Handloader would carry my articles. With a circulation of 123,196, a figure verified by the Audited Bureau of Circulation, Shooting Times is the second largest and fastest growing monthly firearms magazine in the country. They credit much of their success to their treatment of handgun hunting. The editorial content of each monthly issue is at least one-third handgun oriented. The March issue of Shooting Times is the annual handgun issue containing nothing but articles on hunting, target shooting and plinking with handguns. This is the biggest selling issue every year. The February Handloading issue which again deals heavily with handguns, is regularly the second largest seller each year. Second, my own mail is an excellent indicator of the American shooter's interest in handgun hunting. Every day I receive letters from sportsmen throughout the country, many asking technical questions concerning handloading for cartridges and pistols for hunting, others requesting advice on how to hunt specific game species. Third, I point enthusiastically to the success of Thompson Center Arms of Rochester, N.H., a relative newcomer in the firearms manufacturing field that has enjoyed phenomenal success. Thompson Center Arms produces the contender pistol, a long-barreled, uniquely designed single shot pistol intended specifically for hunting. This is the product on which this firm was founded in 1965. Today after doubling the size of its handgun manufacturing facilities, Thompson Center still can't keep up with the demand for their pistol. Fourth, I point to the fact that the majority of the quality handguns offered by reputable American manufacturers today with the exception of those models intended specifically either for target shooting or law enforcement use are large, heavy, bulky, relatively long-barreled pistols designed for hunting. The law abiding handgun hunter is a serious sportsman. He takes his shooting seriously, his handloading seriously, his hunting seriously, and his re-

sponsibility to society seriously. He is not a criminal, he poses no threat to society and neither he nor his firearms are involved in the commission of crimes. Crimes involving handguns or firearms of any kind are committed by criminals, not by the gun. In all states it is illegal for a person with a criminal record to own or carry a gun. However, it is a proven fact that a large percentage of armed robberies and murders committed in this country are perpetrated by men with criminal records using guns they could not legally own or carry on their person. There is no evidence whatsoever to indicate that firearms control will in any way prevent or reduce crime.

The Justice Department of the United States has absolutely no evidence indicating that any firearm control will deter crime. I quote from a letter of April 8, 1975, to Mr. Neal Knox, Editor of Hand-loader, from Susan Hauser, Staff Assistant to the Deputy Attorney General. "A study concerning the effectiveness of gun control laws in preventing and controlling crime has not been conducted at the Department of Justice." Further investigation into this matter by Mr. Knox turns up the fact that not only has the Justice Department not made such a study itself, but it is not in possession of any study made by any other government agency.

In fact, evidence that firearms control does not prevent crime is obvious everywhere. We only have to look at our large cities and metropolitan areas. New York City with its very restrictive handgun laws, has one of the highest murder rates and by far the highest robbery rate of any major city in the country. Detroit is hobbled with a very restricted handgun registration law, yet it has the second highest crime rate for major cities in the United States. I ask you members of this subcommittee where have gun laws helped reduce crime. This is not to say that America's handgun hunters are flatly opposed to any and all legislation aimed at reducing crimes committed with a firearm. On the contrary, we welcome, and I would personally actively support good, enforceable legislation that will curb crime. I actively support a movement to enact legislation calling for a law levying a mandatory no-parole prison sentence of at least 5 years of any person convicted of using a firearm in the commission of a felony. Likewise I would be willing to consider legislation controlling the manufacture, importation, and sale of the so-called Saturday night special, if such evidence can be presented to prove that such a move would in fact prevent crime. However, even then I would consider supporting such legislation only after a select committee of firearms manufacturers, shooters, and law enforcement people was formed for the purpose of deciding just what constitutes a Saturday night special. The term as it is not used is ambiguous and can be interpreted to mean anything from a \$10 junker to an excellent, functional \$200 pistol.

As a responsible, law-abiding American citizen and enthusiastic shooter and hunter, I sincerely hope that this subcommittee will seriously consider the testimony given at this hearing and proceed with a program designed to reduce crime and punish the criminal. If you will just ask that one big question, where have gun laws reduced crime, I'm confident that other hearings such as this will soon be unnecessary and our Congress will not be asked to take away more

of the freedom that's the very foundation of America. Thank you Mr. Chairman.

[Applause.]

Mr. CONYERS. We have asked ourselves that question and because firearms laws have proliferated and have been so inadequate, we are brought back once again to consider them. We can't say that laws won't work because we haven't come up with the right one and we can't say that because the laws have been inadequately written or enforced that this is proof that there is no need for any other laws. So, I suppose that is a question that has been hanging over our heads since the 1968 Gun Control Act. Finally, in 1975 we are again challenged, to not give up or dismiss the question, but to try to come up with a legislative or nonlegislative answer or answers that will more effectively get under control what is viewed by many people as a very serious problem. Might I recognize either one of you two gentlemen to proceed next.

Mr. HERRETT. Mr. Chairman, members of the panel, I am Steven J. Herrett of Twin Falls, Idaho. I am 59 years old and have spent 40 years hunting with handguns. I have taken the major game species from the northwest of Central America, including deer, antelope, elk, bear, javaline, wild boar, jungle cats, and turkey. In the off-season I pursue various predators with various handguns.

With the advent of more powerful cartridges, this sport is pursued by many thousands of hunters. Handgun hunting as practiced today is a demanding, challenging sport requiring the utmost in skill and patience on the part of the participant. I feel that the opportunity to own and hunt with handguns is one of my basic rights as a law-abiding American. In the pursuit of this sport neither I, nor other dedicated law-abiding handgun hunters, break the laws of this country nor commit crimes against society.

To me it is unimaginable that it should even be considered that law-abiding hunters be denied the right to own and shoot handguns because of the acts of criminals with guns. I believe that this committee should aim toward punishing the criminal, not toward trying to punish the gun and the thousands of law-abiding citizens who use them for sporting purposes. Thank you gentlemen.

Mr. CONYERS. Thank you very much. Mr. John Lachuk.

Mr. LACHUK. Yes, sir, my name is John Lachuk and I write for Outdoor Magazine, recreational magazines, hunting magazines and I was requested to come here to discuss hunting with rimfire handguns. Hunting with a handgun is an altogether viable sport. Incidentally in spite of what Judge George Edwards thinks and apparently since Judge Edwards examined my report without my permission if he would like to go hunting with me sometime I would be happy to show him how to hit a squirrel in the head anytime he is interested in going out.

Mr. CONYERS. You do this regularly?

Mr. LACHUK. Well, let's say that I do it whenever time allows me to go.

Mr. CONYERS. You have developed a skill where this can be done?

Mr. LACHUK. It is not that difficult. Anybody who is well trained

in shooting could do the same thing. I'm sure Steve can do it and Bob.

Mr. CONYERS. Of course most hunters don't use the handgun for hunting squirrels?

Mr. LACHUK. Well, I will tell you the principal reason that the handgun attracts people for hunting. It gives you an additional challenge. It is more difficult. OK so for that reason alone we adopt the handgun. It gets too easy to shoot an animal with a rifle so with a handgun your range is restricted and obviously your skill has to be greater. I estimate roughly three times as great as that of a rifle shooter so for that reason alone I think that's what really attracts shooters and hunters to the handgun. It is a lot tougher to use.

Mr. CONYERS. Have you any figures on how many handgun hunters there are?

Mr. LACHUK. I wish I could come up with something. The only thing I can say, I think Bob Milek covered it pretty well, judging by the mail that I get at the magazine and the popularity of the magazines that deal with that sort of thing it has numbers well into the thousands. It would be hard to give you an exact figure however. There are some other advantages to a handgun. A fisherman, a packer, mountain climber can carry a handgun in a holster without its interfering with his basic purpose. Yet it remains ready on command to enrich their camp diet with squirrel, rabbit, or other small game, birds, in season of course, and provide protection against possible predatory attacks. Plus it offers considerable confidence to ward off hysteria should you happen to misplace your camp, and have to spend a night out in the open. If you do have a handgun strapped to your hip it really does give you a feeling of confidence if you are out of doors on a hiking trip and exposed to the elements and get lost and at least you don't feel helpless and unprotected. If you have a pocket knife or something like that along with you that's sufficient to take care of all of the requirements for survival but it certainly doesn't provide any protection whatsoever.

Other animals that can be handled with a small handgun, you can dispatch such other small animals as packrats, porcupines, and raccoons that will raid your food supply and chew your ax handles. You might in the northern area run into wolverines or even wolves and then of course we already discussed hunting tree squirrels. There is another type of a squirrel which is classed as a pest and that would be the ground squirrel. Now these animals are usually poisoned by ranchers and so forth and therefore killed by the thousands but there is a sport of hunting them with rifle and with handgun and of course with the handgun it takes again more skill because your range is somewhat circumscribed. You have to be able to stalk closer and you have to be able to shoot rather well you know because a ground squirrel is a very small target and the same thing would go for any small rodent like a prairie dog or that type of thing. There are some slightly larger rodents such as your fox squirrel. He is a little larger and a bigger animal than the usual red squirrel. Raccoons and opossums are adequate game for a 22 rimfire. Also jack-rabbit and cottontails in season and in some States, in the Southern States they can hunt snapping turtles with a small rimfire revolver.

A snapping turtle can be considered either food or a predatory animal depending on how you feel about it. A lot of people like to dispatch snapping turtles because they will decimate a fish population pretty quickly and others use them for food.

Virtually any handgun that you can hold a good group with is applicable or usable for handgun hunting. Revolvers or auto loading pistols with fixed sights are not ruled out as good hunting handguns. Fully adjustable target sights are to be preferred both for ease of sighting and also because the sight picture is generally superior. Any barrel length from 2 inches so to speak to the buntline 16 to 18 inches are also usable. However a more sensible choice would be for the 4 inch to the 7½ inch in length. A longer barrel offers you a little more sighting radius and that reduces your error, you know in the aiming error. The old-west type, single-action revolver is a very popular gun, Colt, Ruger, Hawes, they all put out excellent single action type of revolvers. Any of these in the 22 rimfire can be used. One thing about the single action is that most of them also offer the option of a 22-magnum cylinder and with this cylinder you have a much more powerful cartridge available. The 22 magnum out of a revolver usually gets about 1550 per second as opposed to 1200 with the standard cartridge and it is quite a break in power.

I notice that one of the criteria that has been used to measure the so-called Saturday night special has been price. And here we have the Harrington and Richardson model 999 which is a very refined revolver, dates back historically about 30 years and it is only \$89.50. That's well under \$100 and it is an excellent gun. You could not call that a Saturday night special. It is a break top, nine shot, with target sights fully adjustable, all steel. I notice another point that comes up regarding the Saturday night special is the type of metal. You can't really use that classification for Hawes guns for instance, they are made out of an alloy which would melt at a lower temperature than steel and the new Stoger Luger is made out of an alloy which would melt at a lower temperature than steel. These guns can cost well over \$100 so if you use this alloy as your measure for a Saturday night special you are barking up the wrong tree. You are going to eliminate a lot of guns that don't fall into that category at all. And here's another point. High Standard just introduced their Centennial Mark I as a 22-rimfire standard and the Mark IV as a 22 magnum and this is available with 2- and 3-inch barrel lengths and by far the neatest is the little 3-inch barrel. Now if you are going to use barrel lengths as a measure of your Saturday night special no way can you call this gun a Saturday night special. It is an excellent revolver.

Mr. CONYERS. Could you conclude; we want to get into a few questions within the limited amount of time.

Mr. LACHUK. OK; I'd like to answer some rather broad allegations that have been made up to this point and really not specifically delineated. For instance the judge mentioned how many police are killed on duty. I wonder if he knows that 71 percent are killed with their own guns. They have been relieved of these guns by criminals and then shot with them. Let's see what we have here, oh yes, in California 130 murders at San Quentin since the death penalty was dropped, so I think that the deterrent value of the death penalty

when you remove that you have a higher correlation between the lack of death penalty and the increase in crime than you have between handguns and the increase in crime. And here we have in Chicago where they kept records on how many felons were killed over the past 40 years, 55 to 65 percent more were killed by civilians. Now if you read that figure and understand it, it means that there are more felons being killed by civilians owning firearms than by the police. Now that puts the lie to the contention that the civilian cannot protect himself with his gun, he certainly can, and here is another point from the FBI, statistically 75 percent of all crime in America was perpetrated by professional criminals, not by sportsmen who own handguns. One of the biggest problems we have today is the exclusionary rule. In 1961 the exclusionary evidence laws were extended to all States. During the past 10 years 8,000 to 10,000 arrests have been made in Chicago involving violations of that city's gun control laws. These are laws already in effect; 250 of these arrests were tried and sentenced, that's out of 8,000 to 10,000; 250 were actually tried. I think that speaks for itself. Now if we start shooting down hunters we are going to destroy a fund of money that comes to the wildlife of this country and since 1938 it amounts to over \$700 million has been collected in excise taxes on handguns and sporting ammunition. Who is going to take up that burden? Excuse me a moment.

Mr. CONYERS. I am trying to get you to wind up if you will.

Mr. LACHUK. I will get done here in just a second.

Mr. CONYERS. Do you mind if I call this to a halt so that we can get to some others. We have got less than 4 minutes and there are three members who probably want to question you. I have only one question you, Mr. Herrett, when you said in the offseason you hunt predatory game with a handgun, what kind of animals were you referring to?

Mr. HERRETT. Bobcat and rockchuck and coyote.

Mr. CONYERS. Mr. Mann?

Mr. MANN. I realize the type of question that I am asking you but why haven't gun laws reduced crime?

Mr. MILEK. A personal opinion?

Mr. MANN. Uh-huh.

Mr. MILEK. A broad gun law covering the ownership, manufacturing, carrying of a weapon, a concealed weapon in a manuer say on the person in the glove compartment of the car is right on the surface unenforceable. We do not have enough police officers in the United States, particularly in your larger cities to even begin to control such a thing. I feel this same thing would be true, suppose you ban handguns, you are banning the handgun from the man who is a law abiding citizen and says this is the law, I will not own a handgun. You are not banning it from the criminal bent on robbery and there's no way we are going to catch him except by chance. We don't have the personnel or the expertise to do it. This is my opinion.

Mr. MANN. I agree with you that the enforceability of the concealed weapons law is almost impossible. On the other hand would you contend that that law is burdensome or improper or antisocial?

Mr. MILEK. No sir. I would not say that the concealed weapons law in my opinion is antisocial.

Mr. MANN. You would say it is an appropriate law for society?

Mr. MILEK. I would say it is an appropriate law but unenforceable and therefore what do we accomplish by it.

Mr. MANN. Because if enforced it would reduce the accessibility of a weapon to a man who had no business having it in the area he found it necessary.

Mr. MILEK. Definitely it would.

Mr. LACHUK. Could I add something to that? We have innumerable instances where people are picked up for pushing pot or caught with weapons on them. They are allowed to plead guilty to some minor thing and they completely forget the weapons charge, just write it off and that happens thousands upon thousands of times. We contend you don't need new laws, you need better judges.

Mr. MANN. Well, since we more or less agree that the law on concealed weapons is extremely difficult to enforce we catch 1 out of 10,000, why put him away for 2 or 3 years.

Mr. LACHUK. Well because he's selling your children dope, would that be a good reason for it?

Mr. MANN. Sure, but he is also carrying the same gun that your neighbor is carrying on the street?

Mr. LACHUK. That same judge would probably have absolutely no bad feelings at all if he sentenced an honest working man that he caught on the street carrying a concealed weapon because he was afraid to go from his business to his office without being armed. I have seen that demonstrated too.

Mr. MANN. That's more or less the point. We have so many people coming in here with the simplistic solution of the mandatory sentencing under some strange notion that we are going to assure the possession of the ownership of handguns and the law-abiding citizens by putting that law-abiding citizen that gets caught away.

Mr. LACHUK. There are less than 1 percent of the handguns in this country involved in any crime at any point in time, less than 1 percent and you are going to penalize 99.6 percent of people in trying to catch that .4 percent and you are not going to catch them. He can go down to his basement and make a gun. You can dry up up Smith and Wesson, Ruger and Colt, you can't keep this guy from going down in the basement with a common lathe and making any kind of gun he wants to. There are records of their making sub-machine guns inside of a maximum security penitentiary.

Mr. MILEK. A shotgun effected at 10 to 15 feet can be easily made with a man on his kitchen table using common gas pipe. I think the use of this law, the mandatory prison sentence—you say the law-abiding citizen gets caught. If he got caught he wasn't a law-abiding citizen, therefore he should be sentenced.

Mr. MANN. We've got him carrying a gun to protect himself in view of the fact that we aren't enforcing the law.

Mr. MILEK. If he was carrying that gun in a concealed manner and the law says you shall not carry a gun in a concealed manner, then he is not a law-abiding citizen.

Mr. MANN. The idea of a mandatory sentence of course would require more time than we have got.

Mr. MILEK. I'm sure.



Mr. MANN. It's a copout for those who would not enforce the law actually. Thank you, Mr. Chairman.

Mr. CONYERS. Mr. McClory.

Mr. McCLORY. Thank you. I have three questions and I think two of them can be answered yes or no. Mr. Milek is it not true or is it not your opinion that the great increase in the number of handguns which have been purchased are in the possession of homeowners and shopkeepers, that it is largely the result of a breakdown in law enforcement, that there is a feeling that the law enforcement people really aren't able to protect them so they want a handgun to help protect themselves?

Mr. MILEK. You are asking if the increase in the sale of handguns is due to a feeling of a breakdown—

Mr. McCLORY. Increase in the number of handguns which have been purchased which are in the possession of shopkeepers and homeowners, this great increase is caused by the fact that law enforcement has broken down?

Mr. MILEK. For those guns purchased for that reason I would say yes—but I don't think that—

Mr. McCLORY. The great increase in handguns because of that—

Mr. MILEK. I believe much of it is for hunting, sir.

Mr. McCLORY. Has the increase in the number of handguns owned by shopkeepers, the purchase and ownership by shopkeepers and ownership by shopkeepers and homeowners, has it had any effect on reducing crime?

Mr. MILEK. I don't feel I am qualified to answer that.

Mr. LACHUK. I don't believe we have got any statistics to start with on this tremendous increase of guns in the stores and homes. I think as Mr. Milek states, at lot of these guns are being purchased by people who like to hunt. I think if you take a look at the number of golf clubs sold in the last 10 years you would find it has escalated also, the number of automobiles has come up, but it is only guns that they look at and become virtually panie stricken. I think this correlation is simply a matter of people having more money to spend to pursue their hobbies. It isn't a matter of panie in the streets.

Mr. McCLORY. OK, then you do not believe that the increase in handguns is because of the breakdown in law enforcement?

Mr. LACHUK. Well I'll buy the breakdown in law enforcement, the law enforcement part, but I don't think the two correlate.

Mr. McCLORY. Are there any guns—I will ask you this question—which are prohibited now from being imported that should be permitted to come in?

Mr. LACHUK. Well the standards that were placed on those guns were superficial to say the least. Most of the companies simply added a target sight to a gun that didn't have a target sight; they got enough points so that they could then import the gun and some of the guns that were excluded were fine little guns, they were not meant as weapons by no stretch of the imagination.

Mr. McCLORY. So you think we should still be importing some of the guns that are now prohibited?

Mr. LACHUK. Some of the guns that were prohibited really had no reason to be excluded under this so-called Saturday night special thing.



Mr. CONYERS. Gentlemen, thank you very much. You have added to our burden immeasurably as you might imagine.

Mr. LACHUK. May I enter into evidence a few items that I brought along.

Mr. CONYERS. I would like you to submit it for our evaluation, and if appropriate, we will introduce it.

[The prepared statements of Mr. Milek, Mr. Herrett, and Mr. Lachuk follow:]

#### STATEMENT OF ROBERT M. MILEK

Gentlemen: My name is Robert M. Milek. I was born and raised in Wyoming where hunting with handguns, rifles and shotguns has occupied the major portion of my life. I'm married, the father of five children, and I earn my living as a firearms and outdoor writer and professional hunter. I am presently a staff writer for Shooting Times Magazine whose editorial offices are in Peoria, Illinois, and for Handloader magazine which headquarters in Prescott, Arizona. I also own and operate Big Horn Outfitters, a big game guide and outfitting business with headquarters in my home town of Thermopolls, Wyoming.

I appreciate the opportunity to appear before this Subcommittee and express my views, and those of hundreds of thousands of other American sportsmen, on handguns, handgun hunting and the irrational campaigns aimed at banning the ownership, manufacture and use of handguns for lawful sporting purposes in America.

My involvement with handguns is primarily with their sporting use in the hunting field. The question is often asked me, "Do you really believe that handgun hunting is a popular sport?" Not only do I believe it, but the facts indicate that handgun hunting is one of this country's fastest-growing shooting sports. I base this statement on several facts.

First, I am able to make a living writing about handgun hunting. Ninety percent of my work for Shooting Times concerns handgun hunting, and as the handgun hunting editor of Handloader, all of my work for this publication deals with hunting. If the interest in handgun hunting wasn't real, it would show up in sales, and neither Shooting Times nor Handloader would carry my articles.

With a circulation of 123,198, a figure verified by the Audited Bureau of Circulations, Shooting Times is the second largest and fastest-growing monthly firearms magazine in the country. They credit much of their success to their treatment of handgun hunting. The editorial content of each monthly issue is at least one-third handgun oriented. The March issue of Shooting Times is the annual handgun issue. Containing nothing but articles on hunting, target shooting and plinking with handguns, this is the biggest-selling issue each year. The February handloading issue, which again deals heavily with handguns, is regularly the second largest seller each year.

Handloader Magazine, a very specialized and technical firearms magazine, deals heavily with handgun subjects, most of which pertain to hunting and target shooting. Of the correspondence received by the editorial offices of Handloader regarding handguns, at least 50 percent concerns loads and bullet performance for hunting.

Second, my own mail is an excellent indicator of the American shooter's interest in handgun hunting. Every day I receive letters from sportsmen throughout the country, many asking technical questions concerning handloading for cartridges and pistols for hunting, others requesting advice on how to hunt specific game species. Just as 90 percent of my writing concerns handgun hunting, so does 90 percent of the correspondence I receive deal directly with this subject.

Third, I point enthusiastically to the success of Thompson/Center Arms of Rochester, New Hampshire, a relative newcomer in the firearms manufacturing field that has enjoyed phenomenal success. Thompson/Center Arms produces the Contender pistol, a long-barreled, uniquely-designed single-shot pistol intended specifically for hunting. This interchangeable-barrel pistol, whose single use is hunting, is the product on which this firm was founded. The first Contender was marketed in 1965. Today, after doubling the size of its handgun

manufacturing facilities, Thompson/Center still can't keep up with the demand for their pistol.

The Contender is a very strong pistol, a feature that has allowed Thompson/Center to chamber it for a number of rifle cartridges better suited for many hunting chores than some traditional pistol cartridges. Mr. Steve Herrett, who is also a member of this panel, and I, recently developed two new cartridges which add a whole new dimension to handgun hunting. The .30 and .357 Herrett cartridges feature high velocity, long-range stopping power, and accuracy capabilities that make them ideal for taking big game at 100 yards and more. The Contender is the only handgun made today that's strong enough to handle the pressures of the Herrett cartridges. Thompson/Center Arms is chambering Contender barrels for these cartridges and the firm advises me that the demand for these barrels far exceeds expectations. This is yet another indication of the popularity of handgun hunting because these cartridges use cases that must be formed in the workshop from other cartridges, then handloaded. This takes special dies and handloading know-how. Ammunition is not commercially available for either of these cartridges.

Fourth, I point to the fact that the majority of the quality handguns offered by reputable American manufacturers today, with the exception of those models intended specifically for either target shooting or law enforcement use, are large, heavy, bulky, relatively long-barreled pistols designed for hunting. Examples would be Ruger's Super Blackhawk .44 Magnum with a 7½-inch barrel, Smith & Wesson's .41 and .44 Magnums with 6½ and 8¾-inch barrels, Colt's Python .357 Magnum with a six-inch barrel, the new Auto Mag from TDE Corporation with 8½ and 10½-inch barrels, and Remington's bolt action single-shot XP-100 pistol with a 10-inch barrel. All of these are expensive, single-purpose handguns produced with the hunter in mind.

The handgun is a difficult firearm to master, much more difficult than a rifle or shotgun, thus the aspiring hunter devotes considerable time to practice. Such practice affords a man many hours of pleasure—both in the field and in the reloading room where the accurate, high performance ammunition is concocted. The handgun hunter is a serious sportsman. He takes his shooting seriously, his handloading seriously, his hunting seriously, and his responsibility to society seriously. He is not a criminal, he poses no threat to society, and neither he nor his firearms are involved in the commission of crimes.

To ban the use and ownership of quality handguns by law-abiding citizens and hunters in the name of law and order would be a crime against society of a much greater magnitude than those acts which such a maneuver is supposed to stop. Crimes involving handguns, or firearms of any kind, are committed by criminals, not by the gun.

In all states it is illegal for a person with a criminal record to own or carry a gun. However, it's a proven fact that a large percentage of the armed robberies and murders committed in this country are perpetrated by men with criminal records using guns they could not legally own. This is just one example of a law against guns that doesn't work. The criminal bent on robbery and murder isn't the least bit concerned about the fact that he's carrying an illegal weapon concealed on his person.

Laws against firearms will not act as a deterrent to crime. I point to the fact that there is no evidence whatsoever to indicate that firearms controls will in any way prevent or reduce crime. The Justice Department of the United States has absolutely no evidence indicating that any firearms control will deter crime. I quote from a letter of April 8, 1975, to Mr. Neal Knox, editor of *Handloader*, from Susan Hauser, staff assistant to the Deputy Attorney General. "A study concerning the effectiveness of gun control laws in preventing and controlling crime has not been conducted at the Department of Justice." Further investigation into this matter by Mr. Knox turns up the fact that not only has the Justice Department not made such a study itself, but it is not in possession of any study made by any other government agency.

In fact, evidence that firearms controls do not prevent crime is obvious everywhere. We have only to look at our large cities and metropolitan areas. New York City, with its very restrictive handgun laws, has one of the highest murder rates and by far the highest robbery rate of any major city in the country. Detroit is hobbled with a very restrictive handgun registration law, yet it has the second highest crime rate for major cities in the United States.

Proponents of firearms control are quick to point out that Detroit's, and the State of Michigan's gun controls are neutralized by neighboring Ohio where criminals go to purchase firearms easily. However, isn't it strange that Michigan's crime rate is so high even with stiff gun controls while Ohio, with almost no gun control at all, has a crime rate many times lower than Michigan? I ask you, members of the Subcommittee, where have gun laws reduced crime? Even more important, you should be asking this question if, as stated, your purpose is to find a way to reduce crime in the United States. If you do, you will most surely discover that accomplishment of your goal lies in the area of socio-economic problems, not with gun controls.

This is not to say that America's handgun hunters are flatly opposed to any and all legislation aimed at reducing crimes committed with a firearm. On the contrary, we welcome, and I would personally actively support good, enforceable legislation that will curb crime. I actively support a movement to enact legislation calling for a law levying a mandatory, no-parole prison sentence of at least five years for any person convicted of using a firearm in the commission of a felony. Likewise, I would be willing to consider legislation controlling the manufacture, importation and sale of the so-called "Saturday Night Specials" if sufficient evidence can be presented to prove that such a move would in fact prevent crime. However, even then I would consider supporting such legislation only after a select committee of firearms manufacturers, shooters and law enforcement people was formed for the purpose of deciding just what constitutes a "Saturday Night Special". The terms as it's now used is ambiguous and can be interpreted to mean anything from a \$10 junker to an excellent functional \$200 pistol.

As a responsible, law-abiding American citizen and enthusiastic shooter and hunter, I sincerely hope that this Subcommittee will seriously consider the testimony given at this hearing and proceed with a program designed to reduce crime and punish the criminal. If you will just ask that one big question, Where Have Gun Laws Reduced Crime?, I'm confident that other hearings such as this will soon be unnecessary and our Congress will not be asked to take away more of the freedom that's the very foundation of America.

---

[Editorial from the January-February 1975, issue of Rifle Magazine]

### WHERE HAVE GUN LAWS REDUCED CRIME?

(By Mr. Neal Knox)

The most difficult question that advocates of "gun control" can be asked is: "Where Have Gun Laws Reduced Crime?"

They can't give a straight answer, for no city, no state, nor the federal government has recorded a decrease in crime as a result of passing a law restricting private ownership of firearms.

Yet reduction of crime is the ostensible reason for additional gun laws: lacking any evidence of the success of such laws, and abundant evidence of their failure, the only way the advocates can argue for registration, licensing or prohibition is by emotionalism—citing murder and mayhem where guns were involved—and by claiming that "gun crimes" are reduced where guns are strictly controlled, which isn't necessarily true, but in any event, it's like saying that there are fewer truck accidents on roads where trucks are prohibited.

The anti-sportsman, anti-hunting, anti-gun element doesn't want to be asked "Where Have Gun Laws Reduced Crime?" If forced to answer they can only make the lame excuse that the laws aren't successful only because they're not strong enough; and if it's pointed out that the strongest possible law—virtual prohibition of handguns—exists in crime-ridden New York City, they blame the "weak laws" in other areas for the failure of their strong laws. But they cannot explain why those areas with "weak laws" have lower crime rates.

Although the FBI Crime Reports show New York City to have one of the highest murder rates of any major city, and by far the highest robbery rate in the country, the number committed with handguns isn't shown. But the recent report of the New York State Commission of Investigation on the possession and use of handguns shows that there were 795 murders with handguns and

20,422 robberies with handguns in New York City in 1973. On the basis of the 1970 population of the five boroughs, the city's handgun murder rate is 10.1 and the handgun robbery rate is 258.7 per 100,000 residents. By comparison, the U.S. handgun murder rate outside New York City is about 4.7 while the handgun robbery rate is about 61.6 per 100,000 residents. In other words, despite its handgun law, New York City residents are more than twice as likely to be murdered *with a handgun* as in the rest of the nation, and more than four times as likely to be robbed *with a handgun*!

While numerous cities and states have passed firearms licensing and registration laws in recent years, their crime rates have continued to climb apace with, or have leaped ahead of, both the national averages and their neighboring cities and states without the "benefits" of such laws. If it were not so, the advocates of gun control laws would be trumpeting the news; but lacking any successes, and in order to turn attention away from their failures, they talk about the low crime rates and stiff gun laws of foreign countries, particularly England and Japan.

But as Inspector Colin Greenwood of the West Yorkshire Constabulary has shown in his excellent book, *Firearms Control* (Routledge & Kegan Paul), more firearms crime is committed in England today than before the imposition of extremely restrictive gun laws a half-century ago. Further, though New York City's laws are more restrictive than London's there are 15 times as many murders in the U.S. city.

Although few murders are committed in Japan, *even fewer are committed in the U.S. by Japanese-Americans*. The murder rate in Tokyo in 1970 was 1.9 per 100,000 residents; in the past five years, an average of less than three per year of the 591,000 Japanese-Americans were arrested for murder, a rate of 0.47 per 100,000 residents.

Because about 80 percent of murders are solved by arrest, the FBI arrest figures by race, when compared to the 1970 population of each group, provides meaningful insights into the differences in cultures, and often-related socio-economic problems, among U.S. citizens of different origin. While the 1973 rate of arrest for murder among identified groups is lowest for Japanese, at 0.5, the murder arrest rate for Chinese-Americans is 4.1 per 100,000 residents; for American Indians, 14.9; for Negroes, 33.1; and for Whites and "others," 2.9. A similar pattern is evident in those arrested for robbery, though the figures are less meaningful, since only 27 percent of robberies are cleared by an arrest; the 1973 robbery arrest rate for Japanese is 3.5 per 100,000; for Chinese, 13.1; for Indians, 76.6; for Negroes, 235.6; and for Whites and "others," 16.8.

Obviously, if such wide discrepancies exist among sub-cultures within the U.S.—all groups equally exposed to the availability of guns—then it's ridiculous to attempt to compare U.S. laws and crime rates to foreign cultures.

Because the question "Where Have Gun Laws Reduced Crime?" is unanswerable, it needs to be asked at every opportunity. And that's why we've produced a bumper sticker asking that crucial question.

Frankly, we've never cared for bumper stickers, but like obnoxious television commercials, they have proved extremely effective both in elections and commercial advertising—and they're the cheapest form of mass advertising. Proof of the effectiveness of the two best-known "pro-gun" bumper stickers—"When Guns Are Outlawed, Only Outlaws Will Have Guns" and "Guns Don't Kill People, People Kill People"—is the frequency with which they've been quoted, and misquoted, by the opposition. But both of those slogans are defensive and produce negative reactions for one shows a defeatist attitude ("If Guns Were Outlawed . . ." would have been far better) and the other reminds the public that some people with guns kill people, which is the way it's been used against us.

"Where Have Gun Laws Reduced Crime?" puts the opposition on the defensive, for if we broadcast the message far enough and long enough, the great majority of people in the middle, who have no strong feelings concerning guns, will insist that it be answered.

We're not interested in making a profit from the stickers—the price is two for \$1 or ten for \$3—but we hope you'll buy several to give to friends. Better yet, clubs and organizations can print their own locally, substituting their name and address on the sticker so others will know where to get them. This will cut costs to a minimum by eliminating handling and postage expenses. You don't need our permission; there's no copyright on the slogan.

The important thing is to get thousands of cars and store windows asking that crucial question, and as quickly as possible, for the new Congress appears certain to give gun owners trouble and plenty of it. If enough stickers appear, "Where Have Gun Laws Reduced Crime?" will be the most-asked question in letters to lawmakers and newspapers—and the "gun controllers" cannot answer it.—Neal Knox

---

#### STATEMENT OF STEVEN J. HERRETT

I am Steven J. Herrett of Twin Falls, Idaho. I am 59 years old and have spent 40 years hunting with handguns.

I have taken the major game species from the Northwest to Central America, including deer, antelope, elk, bear, javalln, wild boar, jungle cats and turkey. In the off-season I pursue various predators with various handguns.

With the advent of more powerful cartridges, this sport is pursued by many thousands of hunters. Handgun hunting as practiced today is a demanding, challenging sport requiring the utmost in skill and patience on the part of the participant.

I feel that the opportunity to own and hunt with handguns is one of my basic rights as a law-abiding American. In the pursuit of this sport, neither I, nor other dedicated, law-abiding handgun hunters, break the laws of this country nor commit crimes against society.

To me it is unimaginable that it should even be considered that law-abiding hunters be denied the right to own and shoot handguns because of the acts of criminals with guns. I believe that this Committee should look toward punishing the criminal, not toward trying to punish the gun and the thousands of law-abiding citizens who use them for sporting purposes.

Thank you, gentlemen.

---

#### HUNTING WITH RIMFIRE HANDGUNS

(By John Lachuk)

Handgun hunting has numerous attractions. As a sport, it assumes a far more challenging aspect than stalking the same game with a rifle. To match the rifle in accuracy, you must develop a degree of handgun skill roughly three times better than that of the average rifle hunter—an imposing but not impossible chore! As a matter of convenience, a rimfire handgun holstered on the hip presents far less of a burden than a rifle in hand or shouldered on a sling. The handgun is a welcome companion on trips which would see a rifle left back at camp as too great a nuisance.

Fishermen, hikers, and mountain climbers can carry a holstered handgun without its interfering with their basic purpose. Yet it remains ready on command to enrich their camp diet with squirrel, rabbit, or small game birds (in season), and provide protection against possible predator attacks, plus considerable confidence to ward off hysteria should you happen to misplace your camp and have to spend a night out in the open.

Around camp, your rimfire handgun can dispatch such common pests as pack rats, porcupines, and raccoons, that raid your food supply, and gnaw your axe handles and gunstocks to shreds. You may even encounter an occasional vicious and cunning wolverine in far northern climes. Despite the protestations of "echo-freaks" to the contrary, attacks by bobcats and mountain lions are a distinct possibility!

If you're toting a rimfire handgun that chambers the old tried and true .22 Long Rifle, you need never feel undergunned when stalking the elusive tree squirrel in the blazing red and yellow hardwood forests of the East, or in the towering pines of the West. Compared upon the basis of projectile weight and diameter versus body weight and size, it's a little like hunting deer with a 20mm cannon! It's hardly necessary or even advisable to use hollow pointed bullets on squirrels. The result is likely to be squirrel stew *before* you're ready to put it into the pot. Confine your aiming area to the front third of the animal. The meaty portion is the back and rear legs. Of course, if you have the skill, shoot for the head, and save the breast and front legs as well!

Squirrels receive seasonal protection as game animals, but the little critters exhibit some distinct varmint characteristics. Each year they inflict a million-plus dollars worth of damage gnawing insulation from electrical cables. They also take a heavy toll among song birds, raiding nests for eggs and young birds. The little chatters irritate rural housewives by nibbling decorative blossoms and carrying off flower bulbs, and cost farmers dearly in damaged corn crops. Corn-fed squirrels taken from the woods bordering farms, wax fat at the farmer's expense, but they sure do make tasty eatin'! Squirrels were a staple on the diet of the early frontier settlers (as witness the affectionate name of "squirrel rifle" given to the Kentucky muzzle loading rifles used in that day), as well as that of the Indians inhabiting the Appalachian region.

Squirrel hunting is usually a solitary sport. Still hunting squirrels is much like stalking the wary whitetail deer. You must move slowly, with long pauses, frozen in likely spots with only your eyes moving in search of the tiny targets. Silent movement is possible only in damp woods. In autumn the crisp leaves betray your every step. However, the rackety forest floor betrays the scampering squirrel as well, when he darts from tree to tree. A gray squirrel may scramble to the tree top and leap from crown to crown. The heavier fox squirrel may just hide from you on the off side of the tree trunk, or flatten out on a limb, where an errant breeze may ruffle its fur and reveal its presence to a watchful hunter. If you wear camouflage clothing, you will make yourself far less obvious to the equally watchful tree-dwelling rodent!

A target that measures no more than three inches through the shoulders allows little room for error, demanding the ultimate in handgun marksmanship, if you're to bring anything home in your game pockets. To begin with, forget all about the classic target stance, with one hand holding the gun extended waving in the wind. Instead, use both hands! Grasp the revolver or autoloading pistol normally in the right hand (assuming you're right-handed), and wrap the left hand firmly around it, left thumb riding over the right. Face your target squarely, holding the pistol at arm's length. Some shooters prefer to bend the elbows slightly. That's OK if it happens to be more comfortable for you. The triangle formed by your two arms makes for lateral stability, and the two-handed grip eliminates most of the shake, rattle, and roll.

If you're shooting a revolver, whether it's a double action or single action, for greatest accuracy, cock the hammer manually, and use it as a single action! Whenever possible, use some form of support. You can rest across a tree stump, an extended limb, a rock, your backpack, etc., anything that reduces that tendency for the sights to wander!

There is more to rimfire handgun hunting than just hushytails. Any hare is fair fare for the rimfire pistoleer. A cottontail zipping from bush to bush is a tricky target, but a tasty morsel if you can connect. A jackrabbit will often freeze in the sometimes mistaken notion that it is unseen, making for a relatively easy standing shot. Even if it spooks, a jackrabbit will often stop to look back upon reaching the top of a rise. Be ready, and you may have your dinner on a fur-lined platter.

If you should luck into a raccoon or opossum on the trail, you might give thought to their toothsome table qualities. Some areas allow taking upland game birds such as doves, quail, grouse, etc., and turkeys, with a handgun. Check your local game laws! The blue grouse, or "fool's hen" has become less foolish and more spooky with the growing biped invasion of its hackwoods domain, but you can still stalk within hangun range if you use stealth. Best bet for birds is to shoot for the head, and save the meaty breast for the pot. The swamps, backwaters, and ponds of the South offer another delicious dish, the snapping turtle. Wait for a clean shot at the head, or you will likely lose your supper. In any case, you'll be contributing to the longevity of all the fish in the area. If you're hungry enough, you may want to consider gophers, ground squirrels and prairie dogs which are clean, entirely edible animals. Prairie dogs were considered a delicacy by the Plains Indians of the Old West.

For positive, humane kills, use high velocity hollow points for all larger game animals, particularly if saving meat isn't a problem. For largest (for rimfire handgun hunting) animals, such as rabbits 'coons, 'possums, etc., those possessed of a Ruger, Colt, Hawes, or other revolver offering the optional .22 Magnum cylinder, should switch rather than fight. The .22 Winchester Rim

Fire Magnum cartridge starts its 40-grain hollow point jacketed bullet from a 6½-inch barreled revolver at a higher velocity, about 1550 feet per second, than the 37-grain standard .22 rimfire hollow point gains from a longer-barreled rifle. (For legislators not familiar with ballistics, the .22 rimfire cartridge gains velocity with increased barrel length, up to 18 or 20 inches.) From a 6½-inch barreled revolver, a standard .22 rimfire hollow point starts its journey at approximately 1200 feet per second.

One of the joys of hunting small game with a rimfire handgun is the total lack of the pressure so apparent on a big game hunt, where the nimrod's reputation, plus a healthy outflow of hard cash are riding on the outcome. A miss is dismissed without undue trauma. There's always another rabbit under another bush. And if you don't score at all, you've still had a good hike away from the smog and traffic, and the elamor of too many people in too small a space!

To avoid spoiling the meat of downed animals in the field, slit the abdomen and remove the entrails, heart, lungs, and liver, immediately after the kill. Split the pelvis and remove the anal canal as well. If possible, spread the opening and allow the animal to cool in the open air before stuffing it into your game bag. After you collect a few animals, circle back to your vehicle, and store the animals in a 25-pound capacity ice cooler. Best skin the animals and place them in plastic baggies first. Store them high in the cooler, where they won't be submerged in the water as the ice melts.

A wide spectrum of handguns are entirely suitable for use in rimfire handgun hunting, including what you legislators in your infinite wisdom like to term "Saturday night specials." Some Senators and Representatives like to group ALL RIMFIRE HANDGUNS into that totally undefined category! A category which you have apparently already tried and condemned to death! That's roughly equivalent to outlawing the VW "Beetle" because it's too small for some wide-bottomed legislators to sit in.

Revolvers or autoloading pistols with fixed sights are certainly not ruled out as good hunting handguns, but fully adjustable target sights are much to be preferred, both for the ease of sighting the arm to hit at point aim, and also because the sight picture is generally far superior. Any barrel length from two inches to the so-called "Buntline" lengths of 16 to 18 inches, are altogether useable. However, a more sensible choice would be from four inches to 7½ inches in length, with the longer barrels offering greater velocity, and a longer sighting radius which leads to greater accuracy.

The traditional Old West "Frontier" type revolvers are immensely popular for field use, and with justification! I personally prefer them! As a group, the single action revolvers patterned after the original Colt Frontier/Pace-maker revolver are reliable, accurate, handy, and they have an ease of pointing yet to be duplicated by any other handgun. Today, nearly all of them offer extra cylinders that chamber the .22 Magnum cartridge, either as standard or optional equipment. If optional, be certain to make the added investment. It's well worth it! The added killing power of the .22 Magnum can add to your bag, and provide a much higher degree of personal protection from predatory animals in the wilderness. Excellent single action revolvers are available from such makers as Colt and Ruger. Equally useful are the single action revolvers imported by Hawes and Iver Johnson.

Double action .22 rimfire revolvers are available from Colt and Smith & Wesson, as well as lesser known makers. One of the finest and least appreciated double action revolvers is the top-break Harrington & Richardson Model 999, which chambers 9 rounds of standard .22 rimfire ammo in its precisely matched cylinder. Currently selling at just \$89.50, it represents one of the greatest bargains for the rimfire nimrod. This puts the lie to any efforts by misguided legislators to use *price* as a measure of quality when concocting their criteria for the dreaded "Saturday night specials!"

A truly fine trail gun is the new Sentinel Mark I from High Standard, also chambering 9 standard .22 rimfire rounds. Also available as the Mark IV, which is chambered for the .22 Magnum. Cylinders are not interchangeable. The new Sentinel is offered with either fixed sights or fully adjustable target sights. The latter are to be preferred. It comes with barrel lengths of 2 inches, 3 inches, or 4 inches. The author prefers the 3-inch barrel because of its superb balance and compactness, as well as its eye appeal.



High Standard also offers the best bargain in high quality autoloading rimfire pistols, the "Sharpshooter," list priced at about \$130. From a machine rest, the 5½-inch bull-barreled pistol, with fully adjustable target sights, groups ten shots into one ragged hole at 25 yards. It comes with genuine walnut grips, with target-styled thumb shelf. Given a proper holster from Bianchi or Safariland, it makes an excellent field companion!

Other autos are available from Colt, Ruger, and Sterling. Certainly worthy of consideration is the Stoeger Luger .22 rimfire autoloader, made in the exact image of the original, but using high tensile strength aluminum alloy for the frame, in order to keep weight within bounds. It is available with the either 4½ or 5½-inch barrels, with fixed or adjustable sights.

Any effort by legislators to outlaw handguns in the mistaken belief that it will hamper criminals, will deprive thousands of honest citizens of their ability to enjoy a healthful, relaxing sport, that works to the benefit of wildlife and ecology, as well as to their own mental and physical well being. If legislators think they can pull that one off without suffering at the poles, their own mental well being has got to be open to serious question!

A further point that I have yet to hear mentioned by anyone, is the fact that many handicapped people can only enjoy shooting and hunting sports via the ou-hand gun. I contracted polio at age 5, and my right arm is atrophied. I am a very poor marksman with a shotgun, little better with a rifle, but with a pistol, I can shoot along with the better than average marksman. Thousands of others share my affliction. Are you planning to discriminate against one-armed men?

Handgun hunting comes under the post-graduate heading of pistol shooting. This is especially true when the pistol used is of a .22 rimfire caliber. Because the cartridge has relatively little power when compared even to the common .38 Special center fire, the bullet must be placed precisely in a vital spot on the animal to effect a quick, humane kill. Why would anyone choose to hunt with a .22 rimfire handgun when there are more powerful pistols, indeed when a kill could be achieved at longer range with greater assurance by simply using a rifle? The answer is that handgun hunting is far more challenging. The chance of the animal going scot-free is far greater. Handgun hunters are without exception, men who have hunted with rifles for years, until they found that the sport had become too mundane and lacking in challenge. They turned to pistols, and smallbore pistols at that, to find a more difficult task to put to themselves. Absolutely essential to the sport is a high degree of safety consciousness on the part of individuals involved. In every instance wherein I have personally known handgun hunters, they have displayed the highest order of safety consciousness and sportsmanship.

In recent years, the sport of handgun hunting has become even more popular, perhaps partially because of my articles on the subject, as well as those by such other shooters as Bob Milek and Skeeter Shelton, but also because modern hunters are out to "give the animals a more than even break." It is impossible to give an accurate estimate of the actual number of shooters involved in handgun hunting in general or rimfire handgun hunting in particular, but judging from the mail response that I received during the several years when I wrote the column, "Wonderful World of .22's" for Guns & Ammo Magazine, such hunters must certainly number well into the thousands!

As to how your anti-gun laws would impact handgun hunting—it would depend entirely upon just how harsh and all-encompassing the legislation that you managed to foist upon the public. I would expect it to run from highly crippling to absolutely abolishing the sport.

As to how effective such laws would be in controlling crime, which is their espoused reason for enactment, I think we should examine the record where highly restrictive arms legislation has been a fact of life for many years past. "In 19th century England, anyone, including felons could buy any type of firearm without restriction. In the years 1888 to 1892, in the whole of England and Wales there was an average of just 3.6 cases per year in which a burglary was committed using a firearm. \* \* \* Even taking into account such factors as population changes, etc., the rate of armed crime in that period was infinitely less than it is today after 60 years of strict controls on pistols.

"Pistols have been strictly controlled since 1920 and it should therefore have been more difficult to obtain one illegally in 1971 than it was in 1954.



The fact that the pistol has remained the weapon most often used in firearms robberies and the 50 years of control has not stopped the number from increasing beyond recognition."

For comparison: Total robberies for the year 1947 were 354, with armed robberies (not all guns) 132, robberies committed with firearms (not all pistols) were 46. Same figures for 1971 read: 2,727, 1,191, and 310.

"At best estimate, there are 63,000 pistols held on permit in England and Wales. Since 1946, approximately 240,000 illegally held weapons have been confiscated. Despite all this, the number confiscated year by year is not reducing.

"Gun controls have not produced an answer to the problems of criminal use of firearms in England." (from "British Gun Controls Don't Work" appearing in the December 1972 issue of GUNS & AMMO MAGAZINE, written by Chief Inspector Colin Greenwood, who had served for 18 years with the West Yorkshire Constabulary in England, and had also studied at Cambridge University on the effectiveness of gun controls.)

Some months back, Police Commissioner Donald D. Pomerleau took it upon himself to offer a "bounty" on firearms in the city of Baltimore. He promised \$50 for every gun turned in, regardless of age or condition. I know of many dealers who emptied their shelves of old derelict arms to collect this bonanza! The same went for many hoodlums on the street. After spending over \$600,000 Pomerleau gave it up as an impossible project, which should have been apparent to anyone but a moron from the outset! How successful was his project in stopping crime? Before the program, there were about 11 gun assaults a day. From August 22, to the end of September, the rate more than doubled, to 25 a day! (From AP news dispatch)

Are criminals in favor of anti-gun laws? "Make no mistake, there's hardly a criminal in this country who isn't in favor of any legislation that will make it difficult or impossible for the honest citizen to obtain a gun. During the course of a long and spotty career I've probably used about forty different handguns—and I never obtained a single one through any of the "loopholes" or "permissive gun laws" that anti-gun people are always screaming about. I bought them from burglars who had picked them up on various jobs. Four out of five came from National Guard armories—which are still notoriously easy to knock over." (from "A Felon's View of Gun Legislation," January 1975 Guns & Ammo.)

A very few years ago, you couldn't get a single politician in Washington to admit openly that he was in favor of arms confiscation! All they wanted, they protested, was to register guns so that the firearm could be traced more readily by police authorities. Inasmuch as most guns used in crime are stolen anyway, it becomes rather hard to understand how registering them would help. But let's suppose that a felon has a legal gun (impossible). The Haynes decision by the Supreme Court in 1968 stated that criminals could not be legally required to register their guns. Because it would be self incriminating!

Anti gunners assume that people are unwitting pawns of the inanimate objects that surround them. Remove the objects, and the desire to rob, kill, et al. disappears! Saying that a gun causes crime or murder is about like saying that a prostitute created sex. The great Prohibition should have taught us that this kind of fuzzy thinking is sheer nonsense! If guns are outlawed, only outlaws will have guns! Believe me, that is a fact, one which you will have to live with the rest of your lives, whether in political office or out!

Mr. CONYERS. Our next witness is Mr. William Woestendiek, editor and publisher of the Colorado Springs Sun in Colorado Springs, Colo.

UNIDENTIFIED VOICE. I object to having this man as a witness.

Mr. CONYERS. Well I don't know who you are sir. I appreciate your attention, but there is no way that citizens are going to control the determination of witnesses before a congressional subcommittee.

UNIDENTIFIED VOICE. Mr. Conyers, every attempt has been made to substitute city council—for the city council members from Colorado Springs with authority from the city council members for

qualified people to appear before this committee that are qualified to appear. They have been refused admittance to this committee because they were not elected officials of the city of Colorado Springs. This is the report that was given to me.

Mr. CONYERS. Well, let me say to you my friend we will record your objection, but there is no way in the world that we can preclude this witness from coming forward on the objection of another citizen. If there is anything further you want to advise this subcommittee of in connection with this witness or the matter under discussion, I would advise you to submit it to me in writing.

UNIDENTIFIED VOICE. May we allow someone other who is qualified?

Mr. CONYERS. The committee will be in order. To our controversial witness here we welcome him for a very brief moment before this committee. I would like, prior to your continuing, to indicate that the mayor of the city of Colorado Springs, Mr. Lawrence D. Ochs, submitted this letter to the committee.

This will become part of the record and then Mr. Woestendiek you may proceed. We will receive your testimony briefly before this committee.

[The letter referred to follows:]

CITY OF COLORADO SPRINGS,  
OFFICE OF THE MAYOR,  
Colorado, June 22, 1975.

TO WHOM IT MAY CONCERN: As a result of a public hearing (at which 1000 to 1500 citizens appeared) regarding gun control legislation proposed by the City Council, I must conclude that a majority of the people in the Pikes Peak region are opposed to those proposals which require registration of handguns.

Most people at the hearing agreed that legislation banning the sale of "Saturday nite specials" was indicated.

My personal opinions are in harmony with these conclusions.

LAWRENCE D. OCHS,  
Mayor.

### TESTIMONY OF WILLIAM WOESTENDIEK, PUBLISHER, COLORADO SPRINGS SUN

Mr. WOESTENDIEK. My name is Bill Woestendiek. I am the editor and publisher of the Colorado Springs Sun in Colorado Springs, Colo., and have been in that position for the past 5 years. It was my understanding that two members of the city council of Colorado Springs, Lewis Cortez and Richard Dodge, were going to testify, one who was a handgun control supporter and the other an opponent. Mr. Dodge was called out of town and Mr. Cortez has not appeared. They were going to presumably give you a view of things on both sides in a small Colorado city.

Mr. CONYERS. That's correct.

Mr. WOESTENDIEK. Just for the record you have my statement, but I have been a newspaper reporter, an editor in North Carolina, Texas, in New York, Washington, D.C., and television and I am now in Colorado. I spent 5 years overseas in the Army. I say that only to prove that I am not speaking from an ivory tower but as someone who has seen a lot of guns, handguns particularly. Let me say also that I am not in favor of banning all guns, I believe very strongly in the use of guns for sporting purposes, target shooting, I

enjoy trapshooting myself, hunting for those who enjoy hunting, gun collecting, et cetera. I also favor tougher sentences for those people who are convicted of carrying guns but I do feel very deeply that our Nation needs stronger handgun control legislation because of the many, many increasing tragedies throughout the Nation, particularly caused by the cheap Saturday night special about which we talked before.

Now I could go into a lot of statistics but I know that you gentlemen have heard them all and we could go into a lot of them today and I feel very strongly on both sides of this controversial subject use these statistics to their best advantage. Certainly I don't believe that the crime rate in the sparsely populated State of North Dakota and the city of Atlanta is comparable any more than that in Hugo, Colo., with a population of 600 people would be comparable to Detroit. I don't think those things make a great deal of sense. They do waste a lot of time. It does seem self-evident to me that the incredible increase in gun murders and deaths—they aren't all murders—and robberies in the past 10 years has been because there are so many guns in so many hands and so easily available, so when I first came to Colorado Springs about 5 years ago, and it is as Judge Edwards so aptly pointed out, gun country, this part of the country. I lost a campaign in the Colorado Springs Sun for tougher gun control legislation. I was talking at the time of national control but as nothing happened I came out strongly for State Control of some kind on handguns and our campaign reached a sort of peak in 1974 in September when, because nothing was happening in the State either, I suggested that the city council ought to consider a local gun control ordinance, in a city where handguns were and are so easily available and can be carried almost anywhere so long as they are not concealed. The following day City Councilman Lewis Cortez who was supposed to be here today expressed his concern on the same subject and said that he planned to ask the city council to consider a gun control proposal. At the next council meeting, roughly 75 opponents of the handgun control jammed the meeting to protest any kind of action and the mayor, then Mayor Andrew Marshall, set a public hearing. A few days later the anti-handgun control people had a meeting of their own to plan for that public hearing and a gentleman who was a member of the "Support Your Local Police Organization" in Colorado Springs said—told the group the following, and I quote:

Colorado Springs has been a target for the piecemeal destruction of your liberties by taking away your weapons. Although it is a local problem now, it will be national problem soon.

His remarks, and they are typical of much of the misunderstanding and the irrationality of this whole problem, were obviously not true. No one had targeted Colorado Springs; it was a campaign launched by a newspaper, one newspaper, one man, really myself and a campaign that had the support of a lot of quiet citizens, but was objected to very strenuously by others, and of course for him to say it was a local problem now and will be a national problem soon I think is a misunderstanding, because it has been a national problem for a long time. To me the big problem is the lack of com-

munication between the proponents and the opponents of any type of handgun control legislation. We are so often talking on different wavelengths. To me it doesn't seem to be a matter of shooting squirrels or sportsman of our Constitution or good judges versus bad judges so much as it is a matter of saving lives. This to me is the essence of the problem and I think we overemphasize sometimes the crime aspects of the thing. Many, many people as you all know, again without going into statistics, are killed by members of their own family, either in a fit of passion or children playing with guns as you know.

To get back to that meeting in Colorado Springs, it was held in a high school auditorium. I think more than 1,500 attended, and for someone who has been to a lot of meetings in his lifetime, I found this to be one of the most raucous, most emotional meetings I have ever attended. The majority of the people there were very definitely anti any form of gun control. They were also very rude, very unruly; they booed and hissed Councilman Cortez when he tried to speak, and his efforts were punctuated with catcalls, booing, and jeers from the audience. This was a very disturbing meeting, disturbing from that aspect and also disturbing from the aspect that I think that's the only time we got 1,500 people out for anything at a public meeting. Education, economy, ecology—none of these things draw anybody. This emotional issue was really a frenzied meeting. There were very few people there who spoke in defense of any kind of handgun legislation and immediately the gun, the antigun control people cited this as an example of the effect that nobody in Colorado Springs wanted any form of handgun control. That's not so. The Sun took a poll of its readers, an unofficial poll obviously, asking whether they favored some sort of handgun control or were opposed to any form of handgun control, and in keeping with the national poll, although the figures were not quite as high, those voting favored handgun control by about a 3 to 2 margin. Approximately 1,500 people voted, 1,500 readers of the Sun. Now I can't make any definite deductions from that except that I do think it proves again that the majority of the people who favor handgun control of some kind are not the vocal people in the United States. The antigun control people are far more vocal and far more organized.

A proposal to create a 5-day cooling off period and do away with Saturday night specials passed the Colorado House during this year's legislative session but it was killed in the Senate by a committee chairman who did not permit it to come up for debate, who refused to calendar it. Again that's—under our system that's his privilege, but I think that important issue should not be decided by one man, whether it be in the city council, the State legislature, or the Halls of Congress. It is not popular to be in favor of handgun control in many parts of Colorado but that is beside the point. It seems to me that we must have some sort of handgun control. I don't contend for a second it will do away with crime, that it will eliminate criminals and make this Utopia, but I do contend, and I don't think it can be disproved, that controls will save hundreds upon thousands of lives of both policemen and private citizens. The

incidents of accidental shootings and passionate shootings are endless, and even if we were to accept the fact that criminals would continue nothing would happen to them, I still think that the lives saved by keeping handguns out of the hands of the innocent, inexperienced, and angry would make any kind of control worthwhile and it would keep things from happening such as happened to a copy editor who worked for me a few years ago in Houston and who carried a gun constantly; said I need it in case I ever get attacked by thugs. I tried to talk him out of it, but he carried it with him to and from work; and one night walking home from work he was attacked on the streets in Houston. Not only did the thugs knock him down, break his glasses, steal his wallet, but he also shot himself in the leg trying to get out of his problem. Now as it turned out it was a flesh wound and it was funny, but it could very easily have been tragic. So to save time, I have some other incidents here but I won't go into them, and we have already gone through the fact that the homeowner with a handgun is in more danger from himself and his family than from the burglar. I might point out because I don't think it has been mentioned here today that most burglars are, as a matter of fact, pretty concerned about their own lives, and they usually break into homes which are not occupied; so the fact that one has a gun in there does him no good if he is out of town or at the movies.

I think and I urge this committee in the name of simple sanity to call for strict, tougher handgun control laws that will bring an end to the needless maiming and killing across our Nation today—the kind of shootings I'm sure have occurred while we are sitting here. I think it is time we have stronger sensible handgun control legislation passed by the U.S. Congress. Thank you.

MR. CONYERS. I think you have made a forthright and, frankly, courageous statement. I deeply appreciate your coming here today. I regret, as I assume you do, that the other members of the council who were slated to appear could not make it. Are there any questions from any members of the subcommittee of the witness? If not I thank you very much for your appearance here and your statement will be reproduced in full into the record.

[The prepared statement of Mr. Woestendiek follows:]

STATEMENT OF WILLIAM J. WOESTENDIEK, PUBLISHER, COLORADO SPRINGS SUN

My name is William J. Woestendiek. I am the editor and publisher of The Colorado Springs Sun in Colorado Springs, Colorado and have been in that position for the past five years.

Prior to taking over the Sun, I served as a reporter and editor with The Winston-Salem, N.C. Journal; editorial director and assistant to the publisher of Newsday, the Long Island daily, for nine years; managing editor of the Houston Post in Houston, Texas; managing editor of Think magazine; editor of This Week Magazine in New York City; and editor of the television news program, Newsroom, on Channel 26 in Washington, D.C.

I also served three years in the United States Army overseas in World War II and two years in Korea during the Korean War.

I believe that my varied background of experience provides a sound basis on which to form my opinions about the need for some form of handgun control in the United States. I have seen the tragic results of easy access to handguns in many parts of our nation.

I am not in favor of banning all guns. I believe strongly in the use of guns for sporting purposes, i.e., target shooting, trap or skeet shooting, hunting for those who enjoy hunting, and gun collecting.

However, I feel deeply that our nation needs strict handgun control legislation because carnage by handgun, particularly of the cheap "Saturday night special" variety is a tragic fact of American life.

It has always seemed self-evident that the incredible increase in gun murders and gun robberies in the past 10 years is because there are so many guns in so many hands. The watered-down, loophole-ridden 1968 Federal gun control act has done little or nothing to stop the increased availability and usage of handguns.

As this committee is well aware, studies done for the National Commission on Violence in the late 1960s showed that nearly half of the nation's 60 million households owned one or more firearms—adding up to about 90 million guns in civilian hands. That supply reportedly is increasing at about 2.5 million guns a year, half of which are handguns. One new handgun is sold every 24 seconds.

Those statistics would be staggering—even if all of the handguns were bought for reasonable purposes and if everyone in a home or in possession of such guns knew how to use them properly.

Several years ago, concerned about the increasing use of handguns in burglaries and shootings—intentional and accidental—I launched an editorial campaign in support of handgun control, preferably on the national level but at the state and even the local level if such legislation could save even one innocent life.

From the day I first wrote an editorial on the subject, I became under instant verbal fire from the many vocal opponents of gun control. Some of these opponents are reasonable, discerning people. Many more are emotional and irrational on the subject.

You have heard their arguments. I am sure, in all parts of our country. And they used the same arguments in Colorado Springs, namely that "guns don't kill people, people kill people," that handgun control supporters are all part of a gigantic Communist plot to disarm America.

If I have received one copy of articles and speeches printed in the gun magazines or distributed by the gun lobby, I have received 500. I have received threats, been called names, and accused of being un-American.

I also have had scrlons and intelligent discussions with persons sincerely convinced that they need guns at home to protect their property and family from the increasing number of burglars, rapists, et al. But while both the emotional arguments and logical discussions have been going on, and endless statistics have been cited by both sides of the gun control question, more and more innocent people have been killed by handguns.

Because of my sincere concern over these unnecessary killings and my deep conviction that handgun control will sharply curb the rising gun-death rate, we have run a continuing campaign in *The Sun* for handgun controls.

The response, as noted previously, was immediate—and vocal. As is almost always the case, the opponents of any form of gun control were those who responded vigorously, loudly, and in large numbers. The ferocity of that response could be misleading to anyone unaware of the large number of silent Americans who strongly favor gun control but do not want to become publicly involved in the debate. Happily, the gun control supporters have started to speak up.

The *Sun's* campaign has been primarily for federal and state controls of handgun guns, but the issue reached a head in Colorado Springs in September, 1974, when *The Sun* suggested that if no other action was to be taken, the city council ought to consider a gun control ordinance in a city where handguns were—and are—so easily available and can be carried anywhere by anyone—so long as the weapons are not concealed.

I wrote in my daily column of Sept. 4, 1974:

"If our city council wanted to do something constructive, albeit controversial, why not pass a gun control ordinance outlawing the sale and possession of cheap handguns, eliminating 'Saturday night specials.' It's high time that we stopped letting emotions pass motions that can come back to haunt us. It's also high time that common sense prevail in making decisions . . . I urge the city council to take up the extremely important issue of gun control immediately."

The following day City Councilman Luis A. Cortez Jr., expressing his concern and fears, said he planned to ask the council to consider the proposal. At

the next council meeting more than 75 gun control opponents jammed the meeting to protest any kind of action. The result was former Mayor Andrew Marshall's calling a public hearing on the issue for the following week. "As responsible public officials, the least we can do is to have the pros and cons on the issue," said Cortez.

A few days later more than 250 persons packed the Little Theatre to organize their opposition to the city's consideration of any form of gun control. The group was offered the assistance of the National Rifle Association and speaker after speaker told the audience that registration of any firearm was the first step toward a Communist takeover of the United States.

Said Dick Farrell of the Support Your Local Police organization:

"Colorado Springs has been targeted for the piecemeal destruction of your liberties by taking away your weapons. Although it's a local problem now, it will be a national problem soon."

Farrell's remarks were—and are—typical of much of the misunderstanding and irrationality of many who oppose handgun control. No one had "targeted" Colorado Springs. The campaign for handgun control was started by The Colorado Springs Sun, supported by a few council members and many average citizens. And, of course, it has been a national problem for years, a problem that too often surfaces only when a president is assassinated or a public figure shot.

Because of the large number of gun control opponents who wanted to attend the public hearing, the site was changed to a larger auditorium at Mitchell High School.

I know, from personal experiences, that gun control is an emotional issue, whether one is at a mass meeting, a luncheon, or sitting in a barber chair. And I have attended many meetings over the course of my military and professional career, been in many angry sessions, in riotous situations. But I have never been as disturbed as I was at that public hearing on gun control—disturbed for several reasons.

A rancorous, often unruly, frequently ugly crowd of 1,500 persons jammed the high school auditorium to make sure everyone heard their opposition, much of it irrational. The crowd was rude. When Councilman Cortez attempted to speak, his efforts were punctuated with catcalls, booing, and jeers from the audience.

What Cortez was doing was calling for control of the handgun which "provide the punk with the means to hold up a gas station . . . the thug to shoot a policeman . . . the wife to shoot her husband and vice-versa, the young boy to blow out the brains of his little brother (while playing with Daddy's gun)."

Frankly, while I have no way of knowing for sure, I would not have been surprised had many of those in that unruly, rude audience been carrying handguns. It was not a pleasant meeting.

Another disturbing aspect of the meeting was that it is impossible in our city to get even one-fifth that many people to attend any kind of important public hearing on education, or planning, or ecology, or construction, or the city's economy. It is a shame that so much noise and energy cannot be channeled into something more constructive.

And, as is too often the case, the many thousands of quiet, concerned citizens who are wary of getting involved did not show up.

As anticipated, the opponents of gun control seized upon that fact to proclaim that "almost everybody" was against gun control.

Not so. Following the stormy meeting, The Sun proceeded to run a readership poll asking its readers to vote as to whether or not they favored some form of handgun control.

The poll was, of course, unofficial and depended solely on the response of readers. More than 1,000 replies were received and those voting favored handgun control by a 3-2 margin, indicating that there are many persons in Colorado Springs, probably even a majority, who quietly favor handgun control but are afraid to speak out publicly on the subject.

I do not think that a local ordinance is the best solution to the problem. That, obviously, had to be federal regulation.

However, in the absence of such legislation to date (absence despite the fact that national polls show the majority of the American people anxious



to have some form of gun control—an indleation of the great power of the gun lobby), I strongly support strong gun control legislation at the state level.

A proposal to create a five-day cooling-off period and banning the sale of "Saturday night specials" passed the Colorado House during this year's session. But it was killed in the Senate by a committee chairman who did not permit it to come up for debate and who refused to calendar it, even though he had told a Sun reporter and the bill's sponsor he would do so. This is typical of the kind of thing that opponents of gun control can get away with. It should not be possible for an important subject like gun control legislation to be killed by any one man or any one vested interest. The people of Colorado and the United States have the right to have this important issue aired and debated—and legislated.

It is not popular, in many areas of our state—and our country—to be in favor of handgun control. But isn't it more important that we act in the interest of saving innocent lives rather than winning popularity contests? I hope so.

The handgun is made for killing people. I would challenge anyone to disprove that statement. Whether the people killed are killed intentionally or by accident is of little significance. What is significant—and tragic—is that they are killed by handguns.

Let me make one other thing clear. I do not for one minute contend that strict handgun laws will eliminate violence or erase crime.

But I do contend, and don't believe it can be disproved, that controls will save thousands of lives, of both policemen and private citizens. As long as the average person has ready access to handguns, the danger and opportunity for him to use them for violent purposes, sometimes intentionally, frequently by accident or in a blind rage, remains.

The instances of accidental shootings, of angry quarrels which lead to shootings are endless. Even if we were to accept the fact that handgun usage by criminals would not decline (and I think it would), the lives saved just by keeping handguns out of the hands of the innocent, the inexperienced, and the angry would make any kind of handgun control worthwhile.

We have all seen and heard of injuries and tragic deaths that were needless. Stories from my own experience illustrate the point.

Several years ago, The Houston Post had an elderly copy editor who always carried a pistol. Despite our many urgings for him not to do so; he persisted—"in case any thugs ever bother me."

One night, as he was walking home, he was jumped by some thugs. Not only did they break his glasses, knock him down, steal his wallet, but he shot himself in the leg in his attempt to "use my pistol."

On several occasions in Houston, I have seen and/or heard of situations where two drivers, involved in a fender-bender accident, would get into such heated arguments that one or both would, in a blind rage, pull a gun from the glove compartment and threaten or shoot the other.

And I have had a neighbor whose young son was killed while playing with a handgun kept in the bedroom to protect that little boy and the rest of the family from intruders.

Let's face it. Too often the innocent person who has the handgun for what he or she feels the most valid of reasons is responsible for the death of someone close or dear. Or he may wound or kill himself by accident.

For every robber stopped by a homeowner with a handgun (and it does happen), four homeowners or members of their family are killed in handgun accidents.

Do not all of the arguments of the handgun control opponents fade into insignificance when placed alongside the mortalities, the tragedies, the suffering, and the grief that occur in increasing numbers every day in our great country because of the lack of adequate handgun controls?

I think so and I urge this committee, in the name of simple sanity, to recommend the strong amendment of our toothless existing Federal law, to call for strict, tough handgun controls that will bring an end to the needless maiming and killing going on across our nation, the kind of shootings that have occurred, I'm sure, even while I have been giving this testimony. It is time to bite the bullet. Strong and sensible handgun control legislation should be passed by the Congress now.

Thank you.



Mr. CONYERS. Our next witness is Mr. Frederick A. Sadowski, a retired New York City police officer. We have your statement and we observe that you reside in Arvada, Colo., and that you are a gunsmith by profession and also a representative of the Table Mountain Gun Club.

**TESTIMONY OF FREDERICK A. SADOWSKI, NEW YORK CITY POLICE DEPARTMENT, RETIRED**

Mr. SADOWSKI. Thank you, gentlemen and Mr. Chairman. A brief statement. The registration of firearms requires many hardships on the registrant because of the restrictive investigation the police department must conduct. The police department cannot allow a possible felon to become the legal owner of a registered firearm. The cost of this investigation, recordkeeping and enforcement can economically force law abiding citizens to be unable to meet these regulations. Further, if legislation, in the future, required an unreasonable increase in registration fees, law-abiding individuals would have their firearms confiscated without ever being compensated if they could not afford these increases. Several points of interest are now brought forth. Firearms registration cannot provide information on criminally owned firearms. It is well to note that in areas of the country where there is registration, the registered owners are not involved in armed crimes which is a clear indication that gun registration deals only with the law abiding and does not reduce crime. The Denver police department provides a service of recording firearms owner information, but does not register these guns. The Denver police department does not regulate the purchase nor sale of these firearms. The Denver police department does not investigate the persons recording firearms information. Perhaps the city is unaware of their legal responsibility in recording this information. In a hypothetical case, if a felon records his firearm with the Denver police and then commits a crime shooting a law-abiding citizen in the process, the city has theoretically permitted this felon to possess the firearm.

It is quite apparent that the citizens of the United States do not understand the legal confiscation of guns owned by law-abiding citizens through a registration law. Due to this ignorance the Gallup Poll conclusions are totally unreasonable.

The question of crime involving the handgun must revolve itself around efficiency. If the crime is contemplated, and the handgun and/or "Saturday night special" is not the most efficient tool available, the criminal will use the handgun and/or the "Saturday night special." If the handgun is not available then a shotgun or rifle will be used. If they are not available then a knife or club will be used. No matter how you slice it the crime will be committed and superior force if necessary. The problem, therefore, is controlling the crime, not the tool to be used.

In defense of his property and life what type of education and/or training does the law-abiding storeowner or home owner receive. Who can guarantee the storeowner will not be physically assaulted if he submits to a robbery by a knife wielding robber. The differ-

ence between the police officer with a handgun and the law-abiding citizen with a handgun is that the officer is trained and educated and bears the responsibility of his office. The question arises as to why must the responsibility of proper safe gun handling education rest upon the shoulders of the law-abiding citizens. Consequently tragic incidents of shooting involving the uneducated storeowner is the responsibility of local governments. Why does the City of Denver, New York and Los Angeles issue concealed weapons permits without providing some means of educating these permit holders in the differences between misdemeanors and felonies as well as how to handle safely the firearm.

It is quite evident that the local gun registration laws fail miserably, increasing this failure by registering nationwide would provide an excellent basis for black marketing of firearms. Illegal importation and local manufacturing of firearms would proliferate in our Nation. Thank you.

[The prepared statement of Frederick A. Sadowski follows:]

STATEMENT OF FREDERICK A. SADOWSKI, NEW YORK CITY POLICE DEPARTMENT,  
RETIRED

Gentlemen: The registration of firearms requires many hardships on the registrant because of the restrictive investigation the police department must conduct. The police department cannot allow a possible felon to become the legal owner of a registered firearm. The cost of this investigation, record keeping and enforcement can economically force law-abiding citizens to be unable to meet these regulations. Further, if legislation, in the future, required an unreasonable increase in registration fees, law-abiding individuals would have their firearms confiscated without ever being compensated if they could not afford these increases. (case in point: the rise in registration fees in New York City)

Several points of interest are now brought forth:

1. Firearms registration cannot provide information on criminally owned firearms.

2. It is well to note that in areas of the country where there is registration, the registered owners are *not* involved in armed crime which is a clear indication that gun registration deals only with the law-abiding and does not reduce crime.

3. The Denver Police Department provides a service of recording firearms owner information, but does not register these guns. The Denver P.D. does not regulate the purchase or sale of these firearms. The Denver P.D. does not investigate the person recording firearms information. Perhaps the city is unaware of their legal responsibilities in recording this information. In a hypothetical case; if a felon records his firearm with the Denver P.D. and then commits a crime shooting a law-abiding citizen in the process, the city has theoretically permitted this felon to possess the firearm.

It is quite apparent the citizens of the United States do not understand the legal confiscation of guns owned by law-abiding individuals through a registration law. Due to this ignorance, the Gallup Poll conclusions are totally unreasonable.

The question of crime involving the handgun must revolve itself around efficiency. If the crime is contemplated, and the handgun and/or Saturday night special is the most efficient tool available, the criminal will use the handgun and/or the Saturday night special. If the handgun is not available, then a shotgun or rifle will be used. If they are not available, then a knife or club will be used. No matter how you slice it, the crime will be committed and superior force is necessary. The problem therefore, is controlling the crime, not the tool to be used.

In defense of his property and life, what type of education and/or training does the law-abiding store owner or home owner receive? Who can guarantee the store owner will not be physically assaulted if he submits to a robbery by a knife wielding robber? The difference between the police officer with a hand-

gun and the law-abiding citizen with a handgun is that the officer is trained and educated and bears the responsibility of his office. The question arises as to why must the responsibility of proper safe gun handling education rest upon the shoulders of other law-abiding citizens (gun clubs)? Consequently, tragic incidences of shootings involving the uneducated store-owner are the responsibility of local governments. Why does the City of Denver, New York, and Los Angeles issue concealed weapons permits without providing some means of educating these permit holders in the differences between misdemeanors and felonies as well as how to safely handle the firearm.

It is quite evident that local gun registration laws fall miserably. Increasing this failure by registering nation-wide would provide an excellent basis for black marketing of firearms. Illegal importation and local manufacturing of firearms would proliferate in our nation.

Mr. CONYERS. Thank you Mr. Sadowski. Do any members of the committee have any questions to present to the witness? If not, our final panel for the afternoon is a panel of arms collectors. The president of the American Society of Arms Collectors, Mr. Leon Jackson; Mr. Harmon Leonard from Cheshire, Conn., and Mr. Warren T. Lewis of Evergreen, Colo. Welcome gentlemen, you bring forth boxes with unknown contents. We welcome you and invite your president to proceed in his own way.

#### **TESTIMONY OF LEON C. JACKSON, HARMON LEONARD, AND WARREN T. LEWIS, PANEL OF ARMS COLLECTORS**

Mr. JACKSON. Mr. Chairman and gentlemen of the committee, thank you for the opportunity to appear before you. My name is Leon C. Jackson and I live in a suburb of Dallas, Tex., and have a business that deals with antique arms and armor in an adjacent suburb. I am the president of the American Society of Arms Collectors. Since we are not talking about a specific bill but in general, on gun control—we don't know how many serious gun control collectors exist. Taking some note of membership in collector magazines we think it is somewhere in the area of 200,000 people. Now this includes members of our own House of Representatives, chiefs of state, doctors, lawyers, teachers, just about every profession that you can think of and they are fine people. They are not crooks, they are not neo-Nazis. The majority of them are highly skilled professional people who look upon gun collecting as a means of preserving our national heritage and certainly this spread of civilization in this country followed the use these peculiarly American firearms in the hands of people who knew how to use them. The collectors vary widely in size and in value. It can be a few guns for a few hundred dollars, it can be a few thousand guns for a few million dollars and here is one of the places that I hope you gentlemen will consider in your deliberations is the economic impact on these collectors and investors in further restrictive regulations.

Mr. CONYERS. Of course, the drying up of guns would probably increase the value of the collections of the members of your society?

Mr. JACKSON. If they were allowed to keep them.

Mr. CONYERS. Well, let me ask you Mr. President have you heard of anybody out to get the arms collectors as an organization. Almost every expression that I can recall hearing, even the most ardent advocates of restrictive firearms regulations, to a man or woman, including those who want to disarm the police, have always

excluded arms collectors as an association and the clubs to which they belong.

Mr. JACKSON. We hope that continues, Mr. Chairman.

Mr. McCLORY. Mr. Chairman, would you yield for a question?

Mr. CONYERS. Yes.

Mr. McCLORY. It is important, I assume, as far as collectors of firearms that is be kept in the same condition as when it was currently used, in other words you want the weapon to be operable. I noticed some who suggest exemptions for collectors that they should collect these old weapons or any kind of weapons providing however they are made inoperable so they cannot be operated.

Mr. JACKSON. Mr. McClory, I don't think any serious collector would want a gun that was inoperable or that he had to render inoperable for him to keep.

Mr. McCLORY. It ceases to be a valid and authentic collectors item then?

Mr. JACKSON. That's correct sir. There has been a recent case, I have a small hand in this issue but a single gun sold very recently for \$300,000. Would you want to disable that gun if you had that gun as an investment? It happened to be a gun presented by Colt to the Sultan of Turkey.

Mr. CONYERS. Well, of course, the firing pin is frequently removed as a matter of safety so that the people cannot immediately take possession of a weapon and load it and have an antique become an immediately dangerous weapon.

Mr. JACKSON. Well of course the majority of antiques Mr. Chairman do not have firing pins. They either have a nipple or they have a battery and a frizzen to spark a piece of flint. As you know the stock market can react violently to the President having a stomach ache so if a congressional committee is seriously considering gun control is can certainly affect this economic market.

Mr. CONYERS. Beneficially or negatively?

Mr. JACKSON. Negatively.

Mr. CONYERS. I keep seeing an implicit benefit in anything we do running to the arms collectors of America. Maybe I am not looking at it from the right perspective, but anything that creates a shortage of weapons to collectors. unless the analogy to priceless paintings is totally out of order, the price usually escalates as the object of the admirers fancy diminishes in number.

Mr. JACKSON. This is, in a narrow field, true. It also tremendously increases the hazards of burglary of gun collections. This has certainly been our experience since the Gun Control Act of 1968. We have had the greatest proliferation of firearms burglaries in the history of this country.

Mr. CONYERS. Arms collectors—

Mr. JACKSON. Yes, sir.

Mr. CONYERS. Generally speaking?

Mr. JACKSON. No sir, arms collectors.

Mr. CONYERS. Do you have instances of these burglaries reported to your society?

Mr. JACKSON. Oh, yes, sir; one of my recommendations, Mr. Chairman, will be that the FBI be given authority to move into

these cases where the value is less than \$5,000. They have the authority to move in if the value is in excess of that and they have been successful in recovering some major collections but there are others which we think are going to South America but we can't prove that. The Gun Control Act of 1968 specifically excluded antiques with a cutoff date with anything manufactured on or before 1898. I wrote that specific exemption which is part of the law and the supporting argument for it and if any of you gentlemen want to know why the date of 1898 was selected or the historical or technical background I will be glad to explain it, quite a sharp division on that. We hope at least that any legislation you consider here will leave this antique exemption in tact. There is simply no record of antiques of this period being used in crime. I could dispatch any member of this committee with a cross bow at 300 yards but I don't know of any homicides with cross bows in recent history. And while that antique exemption will take care of a majority of the collectors there are others who collect in an area that spans a considerable time period. For instance, Winchester would span a period from 1860 to now—Mr. Lewis' collection here, goes from the mid-1850's to the present and they are complextible items that are in this area since 1898. We simply have no statistical evidence of the use of collector weapons in crime.

Mr. CONYERS. We quite agree, gentlemen. Mr. President, could I merely inquire whether there is any support for the idea of registration among collectors. We have received some indication of the great expense involved in your avocation and I was wondering whether your organization has given that individually or collectively some thought?

Mr. LEONARD. I think there is very good evidence that registration would be disastrous to the values due to the 1898 cutoff. There are a number of weapons that go on both sides of it, the Colt single action is probably the most popular. It was introduced in 1873 and they are still making them today. The value of a present 1898 Colt single action today, in other words, one that doesn't have to go to a 447 preform, that doesn't have to be boxed on a dealers' license is somewhere between two and five times the value of a post-1898 Colt single action today. Collectors simply do not want a record of what they own.

Mr. CONYERS. Why not? I mean the registration would apply to present and post-1898 weapons. It is not going to open up any favorite way toward one group or the other and it would certainly aid in the recollection of the weapon. I'm sure the police would testify without exception that it would be of value by being of assistance to those who might be burglarized.

Mr. LEONARD. Any collector who is worth his salt will have a list and fine description and if he is really conscientious will have good detailed photos of his collection and since the majority of the earlier things are without serial numbers the detailed photos are a must. None of this has anything to do with registration. He will be able to identify his weapons if he is seriously involved with them and will keep a list available to turn over to the police or what they usually do, the best way is to put it out to collector organizations.

because a policeman won't remember a Moore-Tip fire revolver but, another collector will remember it if he has ever seen it before anywhere.

Mr. CONYERS. Of course, you are going to have to send out a lot of pictures to a lot of police departments?

Mr. LEONARD. Right, it is much better to do it through the collector organizations.

Mr. JACKSON. Mr. Chairman, on the subject of registration the average collector would have a hundred or more guns. If you place this on a fee basis per gun it becomes a very serious tax matter for him. Second, one of the things that I fear the most, which I argued with Senator Dodd about 7 years ago, is that these lists of registrants or registered guns, at the time, we were talking about collectors and dealers, will be released to the underworld and if you recall, this body passed a bill in 1972 to prohibit the IRS from selling lists of dealers to collectors, to anybody who wanted them and this, I think has started the proliferation of theft from gun collectors. I fear this very much.

Mr. CONYERS. Of course, one of the underlying provisions of any registration scheme is that the information would be confidential to police sources exclusively, with as stringent provisions as could be made. Obviously, we would be registering not only collectors guns, but any citizen's guns would be entitled to that security and those safeguards just as rigorously as they would apply to collectors of more expensive weapons.

Mr. McCLORY. Would the Chairman yield for a question for my edification?

Mr. CONYERS. Yes.

Mr. McCLORY. Are a great many of the collectors of antique weapons also dealers in modern weapons?

Mr. JACKSON. I would say not a great many but I would say a certain percentage. I am. I collect and deal both in guns and my major source is buying complete selections and when you do that you have a mixture of antiques and modern.

Mr. CONYERS. What about at some of your association meetings the problem that has been reported to this committee of members who, perhaps nonmembers who come there hocking guns which may be legal or illegal which come into their possession which are used to demean the activities of your association?

Mr. JACKSON. In a small number of associations Mr. Chairman that does take place. The more ethical ones such as the American Society of Arms Collectors does not permit the general public in their meetings unless they are escorted by a member of the association who is responsible.

Mr. CONYERS. Can you describe, Mr. President, the nature of the problems that we are talking about?

Mr. JACKSON. Yes, sir, in some of the poorly run, uncontrolled shows I'm quite sure that some stolen weapons get into them. Some people make illegal sales to citizens of another State. This is an occasional thing. It is the exception rather than the rule. The legitimate, ethical organizations do not permit it.

Mr. CONYERS. Because we want to make sure all of the fundamental questions are explored, might I just point out that we have

your record statement so you are guaranteed that your position will be recorded in full. Might I ask Mr. Mann if he has any questions of the witness?

Mr. MANN. No; thank you, Mr. Chairman.

Mr. CONYERS. Mr. McClory?

Mr. McCLORY. No; I don't think I have any questions but have Mr. Harmon come, I want to hear from him and then form the other gentleman. I want him to make his little presentation of his antique weapons that he has brought here.

Mr. CONYERS. Please proceed.

Mr. McCLORY. You have come all the way from Connecticut so we would like to hear from you.

Mr. LEONARD. I have a habit of speaking very rapidly and one comment Mr. Chairman, you said why are we as collectors concerned about this bill. I was in Mr. Jackson's position about 8 or 9 years ago and testified at the Senate hearings under Senator Dodd and at that time two of the bills were so poorly written, one of them classified any gun over 50 caliber as a destructive device. It meant that George Washington's pistols in the West Point Museum would have to be registered with the IRS as a destructive device. This is George Washington's pistols. This illustrates how poorly some of these bills are submitted. This is why we are deeply concerned. I will read this statement briefly and I will be through.

Mr. CONYERS. Well you are quite right. It has been pointed out to me that neither one of those bills was passed, but this new Congress is writing legislation more carefully and this subcommittee I guarantee is reviewing it and scrutinizing it much more carefully. We have over 50 pieces of legislation and are still laboring over a final product while trying to avoid the admitted errors of the past. We know that you have been very helpful in pointing them out with great care and articulation.

Mr. McCLORY. I will say that this chairman and this subcommittee and this member and Mr. Mann and the other members of the subcommittee are working cooperatively and not in the way the rest of the Congress is operating.

[Laughter.]

Mr. LEONARD. Thank you. I will be brief. Gentlemen, my name is Harmon C. Leonard. I am a veterinarian and my address is 1538 South Main Street, Cheshire, Conn., and County Road 140, Salida, Colo.

I thank you for the opportunity to appear here today and give my thoughts on the important work in which you are engaged. I do share your deep concern for the crime problem that exists in our land today. In your deliberations I respectfully request and recommend that the exclusion of antique arms that was made in the Federal Arms Act of 1968 be continued. In 30 years of collecting I have not heard of a crime of violence committed with these antique or historical weapons.

My prime interest in firearms is as a collector. These constitute an important part of my Revolutionary War collection of artifacts, documents and accouterments.

Throughout the United States there are several hundred organizations with thousands who collect as a hobby. Most of our mu-

seums throughout the country testify to the dedication of these collectors. Displays are constantly on loan and many have been donated to them for educational exhibits, protecting and preserving our historical heritage. Currently some of my antique arms are on loan to the telephone company's Bicentennial traveling exhibit and others will be displayed at the New Haven Historical Society this fall. To restrict the legitimate activities of the historical-arms collectors is an unnecessary burden to place on him and an unwarranted expense to an already overtaxed society.

During the past quarter century my life has been enriched with friendship and experiences through these collecting activities. There is a large segment of our society that enjoys this pursuit, the collecting, the artistic Kentucky rifle, Civil War arms, Indian weapons or the arms that won our freedom 200 years ago during the War of Independence. To us restriction on transportation, ownership, or transfer of these antiques would be as depressing to our recreational pursuit as like restriction on golf clubs, camping, or fishing equipment and I am sure have as little affect on the crime problem.

In preparation for this discussion I phoned four of active arms dealers in Connecticut and asked that each furnish me with a list of the occupations and the type of arms involved in their last 25 sales. This list represents 100 most recent handgun sales in Connecticut. These are all legal sales, registered with their local and State police and each case a 1-week waiting period is required by the Connecticut State law. It is interesting to note that very few guns were considered target type. I asked each of the dealers their opinion as to the reason for the majority of these purchases. All were agreed that most were bought for protection for their office, home, and family. Here are 100 responsible citizens, the list of their occupations pretty well cuts a cross section of middle America. Legislation to prohibit or confiscate their protective weapons would do nothing to drop the crime rate. All four sporting goods dealers with whom I spoke indicated a marked increase in arms sales. But, it is evident that this is a result of the increase in crime rather than a contribution to crime. Confiscation or illegalization of handguns would make lawbreakers of millions of Americans who would prefer to keep their weapons illegally rather than to surrender them in today's social climate. The 18th amendment is a striking example of the failure of the laws of prohibition.

The prohibition of needles and syringes in hands other than the medical profession does nothing to curb the use of injectable narcotics nor help solve this closely related crime problem.

The attack on the legitimate ownership of arms is, in my opinion, dealing with a symptom of a national problem rather than the cause. The cause of the gun problem is fear, the same reason that there is a tremendous increase in sales of large watchdogs, burglar alarms, tear gas, rifles, and shotguns.

On June 10, 1975, I had a lengthy discussion with Mr. Leonid Tarassuk, who until 2 years ago was curator of the world's largest arms collection in the Hermitage in Leningrad, Russia. Mr. Tarassuk spent 5 years as a political prisoner in Siberia. It was through the intercession of Senator Henry Jackson with Chairman Brezhnev



that he was allowed to leave Russia. He is now assisting the curator of the arms at the Metropolitan Museum of Art in New York City.

Upon questioning Mr. Tarassuk about crime in Russia his reply was that in Leningrad as in most large Russian cities crime is rampant and though it is not often mentioned in the controlled Russian press, their crime problem closely parallels ours. Armed thugs prey on the citizens. Even though private ownership of handguns is prohibited, the criminal element has been through theft or clandestine manufacture.

Recently I read that in New York City where gun laws are the most stringent in the Nation, police estimate that there are nearly a million weapons in private hands. Here, too, prohibition has not worked. This is the city that crime statistics indicate that 20 percent or one out of every five robberies in the United States occurs. I am sure that the committee knows of the experience in Orlando, Fla. in 1967 where the police trained 6,000 women in firearm self defense following a frightening series of rapes. The crime rate, including rape, dropped markedly, completely reversing the trend in other large cities. No one woman had to fire a gun, just the knowledge that they were prepared was the deterrent.

We would love a simple solution to a complex problem. There is none. The most effective weapon is the knowledge that crime with a weapon will result in swift, severe and sure punishment. A man's home has always been considered his castle. Without a major change in our constitutional system the American citizen will continue to protect it as such. Thank you.

Mr. CONYERS. Thank you. Mr. Lewis.

Mr. LEWIS. My name is Warren Lewis and I live in Evergreen, Colo. I am a dealer in antique guns and Western art. I am also an antique-gun collector and have been one for 20 years or longer. I have brought down a few things to try to give a range of the collectors guns and in a cartridge vein to make you aware that there are things both before 1898 and after 1898 and some fire cartridges that you can purchase and some fire cartridges that are extinct but they are of interest to the collector. Although I am not noted for collecting Smith and Wesson, occasionally I let brand X creep in and there is a small Colt Derringer of the 1870 period engraved and slightly fancier than the average. It was available and popular and bought by the wealthy and the poor alike. To give you an example of something where cartridges are extinct this is the Moore-Tip firing revolver made in the 1860's to get around the Smith and Wesson patent which covered a bore-through cylinder, they made a peculiar wart with a tip on it and they only produced a few and therefore they got around the patent. Again for collectors only. In a vein of people who collect patent evasions and there must be 100 variations that I could go into of people who are trying to get around Smith and Wesson tie up on cartridges for this length of time—here is one I guess all you could say it is gaudy. These are Smith and Wesson Scofield revolvers. They were produced for two years, 1875 and 1876. The U.S. Army bought virtually all the production. This is a civilian pair. Historically they are supposed to have belonged to a gentleman under Diaz and after a lot of careful

research it is a pretty good story but I don't think there is a word of truth in it. But you know that's part of the game, and one of the lovely stories you get as long as you don't pay any attention to them.

Here is a revolver turned out about 1970, Smith and Wesson, but factory engraved with a presentation, fancy grips, cased, but still a collectable item and under the provisions of the bill would have been illegal as that stands. There are of course infinite variations in between. As collectors go today they are turning more and more to semi-modern weapons and I think in any legislation you need to make some sort of an understanding of this. A lot of these people have their entire savings put into these collections.

Mr. GEKAS. To make the point perfectly clear, collection of handguns and I guess all guns is not limited to any antique firearm, indeed there are collectors of handguns who buy a particular model of a particular manufacturer with particular numbers every year?

Mr. LEWIS. That's correct.

Mr. GEKAS. And some collectors have guns that are just manufactured in 1975 and that is part of the hobby of gun collecting?

Mr. LEWIS. That is absolutely true.

Mr. CONYERS. Gentlemen, your protestations in advance of any incursions are well understood. We will take them to heart and consider your admonishments carefully in the course of our deliberations. We thank you very much for coming to present your testimony, some of you quite a considerable distance.

[The prepared statements of Mr. Jackson, Mr. Leonard, and Mr. Lewis follows:]

#### STATEMENT OF LEON C. JACKSON, HIGHLAND PARK, TEX.

Mr. Chairman and Gentlemen of the Committee: Thank you for the opportunity of appearing before you to express my opinion and the views of many collectors and sportsmen regarding further legislation on firearms control which is under consideration by your body. My name is Leon C. Jackson. I reside at 4308 Livingston Avenue in the town of Highland Park, Dallas County, Texas. My business, operating under the name of Jackson Arms, is located at 6209 Hillcrest Avenue in the City of University Park, Dallas County, Texas. This firm specializes in the sale of antique and museum-type weapons.

Officially I represent the American Society of Arms Collectors of which I am President.

Since no specific bill before your Committee is being considered at this time my remarks must cover the rather broad field of the effect of further gun legislation on the collector. This was the suggestion of your staff.

No one really knows how many gun collectors there are in the United States. Based on the membership of various collector organizations and the customer lists of major dealers we would estimate it somewhere in the area of 200,000. People of these organizations represent almost every trade and profession including, in my own experience, members of this Congress, Chiefs of State, ministers, priests, law enforcement officials, doctors, lawyers, teachers, as well as many men of humble means but proud heritage.

This country achieved its freedom and it successfully spread across the continent to the Pacific on a firm foundation of peculiarly American firearms in the hands of courageous men properly trained to use them. The collector is a preserver of that heritage. It is impossible to collect seriously without being to some extent an historian. These people are neither "kooks" nor neo-Nazis nor potential murderers. Teacher collectors often use early firearms to stimulate interest in American history in their classes. Such a physical memento can make history live and generate far more interest than the mere

printed page. A knowledge and appreciation of our heritage cemented into a living belief is essentially the essence of patriotism.

Collections vary widely in size, quality and monetary value. They range from a few guns at a few hundred dollars into the millions. The economic value of these collections can be drastically affected by further gun legislation or even the thought of it. We are all familiar with the fact that the stock market can react drastically to the President's stomach ache. The demand and market for collector type firearms and armour can do the same thing with the threat of further legislation that might outlaw any part of them.

The Gun Control Act of 1968 has a specific exemption for antiques, which are defined as guns made in or before 1898 including all muzzle loading guns as well as the obsolete cartridge guns of that era. By all means that exception for antique guns should be retained in any contemplated new legislation. Since I wrote that exemption and the supporting data for it at the time it was adopted by the Congress in 1968, I am thoroughly familiar with the history and the technical reasons for that date. If this Committee would like an explanation of that date, I shall be glad to give it.

However, while the antique exemption would take care of a high proportion of collectors, there are other important fields of interest that are not covered. Collectors of Winchesters, for instance, span a period from 1860 to the present. The venerable Colt Single Action was first manufactured in 1873. It is still in production. I am hopeful that Mr. Lewis can express some enlightening information on those areas as he is personally a collector of Smith & Wesson revolvers which span a period of the mid-1850's to the present.

There is simply no history and no statistical data that would indicate that these collector type arms have been used in the commission of crime. The collectors who own them have been increasingly the victims of the crime of burglary or robbery since the Gun Control Act of 1968. We feel that further restrictive legislation will substantially increase the activity of the underworld in stealing guns if it is made more difficult for them to acquire them otherwise.

One of the frequent statements heard from the groups that seek to restrict or outlaw the sale and ownership of hand guns is that such action will reduce crime. There is nowhere any statistical evidence to support this statement. Certainly it is not true in those cities and states that have highly restrictive firearms laws, New York, Washington, D.C., Detroit. The thug who wants a gun to commit a crime of violence is not going to be deterred by a law restricting his purchase or possession, for he will steal it, make it, or even in some cases such as in Chicago, he will rent it for a percentage of the take. And in this latter instance he can rent a sawed-off shotgun or a sub-machine gun already outlawed under Federal law. A legal study in depth by the South Texas College of Law was published in the "South Texas Law Journal" Vol. 3 No. 4 Summer-Fall of 1958 under the title, "Do Laws Requiring Registration of Privately Owned Firearms Lower Murder Rate". A tremendous amount of statistical and comparative analysis went into this study, not only from major cities but from all states and many foreign countries. From this study I quote only the major conclusions:

"There is no evidence to indicate that, acting alone, laws requiring the registration of firearms have any effect on the rate at which murders and homicides are committed. It appears that once the homicidal intent is formed the instrument to be used is only incidental. If a firearm is handy, it will be used due to its convenience, but if a gun is not available, then a knife, a board, an ice pick or simply the bare hands will be used."—"On the punishment side, it would be well to carefully analyze our present enforcement procedures to see if the police, prosecuting attorneys, and the courts are using present laws to the extent possible."

To accept the premise that the availability of handguns has a causal relationship to crime one would have to adopt the philosophy that everyone who owns a handgun is a potential criminal. That would include tens of thousands of the most prominent citizens of this country including members of your own distinguished body. I do not believe that anyone who gives it serious consideration can accept that philosophy. Much has been said on the subject of "The Saturday Night Special". While there are collectors of the early ones that had unique names such as "Blue Jacket", "Plug Ugly", "Blue Streak" the great majority of these would be exempt under the antique definition. There are few who hold any brief for the cheap, pot metal Saturday

Night Special of today, except to say that the man who has very little money to spend may have just as much reason to purchase an inexpensive gun for his own defense as someone else does to buy a high priced target pistol. However, if serious consideration is given to Saturday Night Special legislation, the great problem is going to fall in defining what a Saturday Night Special is. The definition used in Senator Bayh's bill which passed the Senate in the last session of Congress was utterly preposterous. This was based on physical dimensions, barrel length and such tests as dropping the arm four feet on its hammer. If that definition was drawn it would have eliminated many fine and historic weapons including all of the Colt Single Actions, the Ruger Single Action and many other fine sporting guns. It would be our opinion that the definition used in Congressman Dingell's bill on the Saturday Night Special would be the most satisfactory and inclusive definition. Equally some serious consideration should be given to establishing a proofing standard for newly manufactured handguns as a matter of safety and a further step toward eliminating the cheap, unsafe gun.

There is certain legislation that most sportsmen and I think all collectors feel should be adopted. These recommendations would include:

(1) Reasonable and mandatory additional sentences for the use of a handgun in a crime. These additional penalties should not be subject to parole or to probation.

(2) A severe penalty for theft or burglary of handguns, or for that matter any firearm including antiques. The F.B.I. now has jurisdiction where the value of guns stolen is in excess of \$5,000, and they have been successful in recovering parts or all of collections which have been taken by burglary. Perhaps some consideration should be given to lowering that limit of value to permit F.B.I. intervention in such thefts.

(3) There has long been a provision in the law that prohibited possession of a handgun by an individual with a felony conviction record. This was further extended in Title VII of the Safe Streets Act. Some doubt on the enforcement of this law has been cast by a Supreme Court decision that a person with a criminal record in possession of a handgun or other firearm must be proved to have had a part in moving that firearm in interstate commerce. We believe that the law enforcement officials and the general public need the protection of this type law, and that some method should be found to re-instate that law with full force and effect.

I believe if these three recommendations are enacted into law it will have a far more effective result against crime than any attempt to restrict purchase or possession.

Thank you Mr. Chairman and Gentlemen. The collectors and legitimate sportsmen of this country are ready and willing to support and assist in the passage of meaningful legislation directed at the criminal and criminal misuse of firearms. They will continue to resist any infringement on their long established right to acquire and possess conventional small arms.

---

#### STATEMENT OF HARMON C. LEONARD, VETERINARIAN, CHESHIRE, CONN.

Gentlemen, my name is Harmon C. Leonard. I am a veterinarian and my address is 1538 South Main Street, Cheshire, Connecticut and County Road 140, Salida, Colorado.

I thank you for the opportunity to appear here today and give my thoughts on the important work in which you are engaged. I do share your deep concern for the crime problem that exists in our land today.

In your deliberations I respectfully request and recommend that the exclusion of Antique Arms that was made in the Federal Arms Act of 1968 be continued. In 30 years of collecting I have not heard of a crime of violence committed with these antique or historical weapons.

My prime interest in firearms is as a collector, these constitute an important part of my Revolutionary war collection of artifacts, documents, and accoutrements.

Throughout the United States there are several hundred organizations with thousands of members who collect as a hobby. Most of our museums throughout the country testify to the dedication of these collectors. Displays are constantly on loan and many have been donated to them for educational ex-

hibits, protecting and preserving our historical heritage. Currently some of my antique arms are on loan to the Telephone Company's Bicentennial Traveling exhibit and others will be displayed at the New Haven Historical Society this fall.

To restrict the legitimate activities of the historical arms collectors is an unnecessary burden to place on him and an unwarranted expense to an already overtaxed society.

During the past quarter century my life had been enriched with friendship and experiences through these collecting activities. There is a large segment of our society that enjoys this pursuit, be it collecting the artistic Kentucky Rifle, Civil War arms, Indian weapons, or the arms that won our freedom 200 years ago during the War of Independence. To us, restriction on transportation, ownership, or transfer of these antiques, would be as depressing to our recreational pursuit, as like restriction on golf clubs, camping or fishing equipment and I am sure have as little effect on the crime problem.

In preparation for this discussion I phoned 4 of the active arms dealers in Connecticut and asked that each furnish me with a list of the occupation, and type of arms involved in their last 25 sales. This list represents 100 most recent hand gun sales in Connecticut.

These are all legal sales, registered with their local and state police and in each case a week's waiting period as required by Connecticut State Law. It is interesting to note that very few guns were considered Target type. I asked each of the dealers their opinion as to the reason for the majority of these purchases. All were agreed that most were bought for protection for their office, home and family.

Here are 100 responsible citizens, the list of their occupations pretty well cuts a cross section of middle America. Legislation to prohibit or confiscate their protective weapons would do nothing to drop the crime rate.

All four sporting goods dealers with whom I spoke indicated a marked increase in arms sales. But, it is evident that this is a result of the increase in crime rather than a contribution to crime.

Confiscation or illegalization of hand guns would make law breakers of millions of Americans who would prefer to keep their weapons illegally rather than surrender them in today's social climate. The 18th Amendment is a striking example of the failure of laws of prohibition.

The prohibition of needles and syringes in hands other than the medical profession does nothing to curb the use of injectable narcotics nor help solve this closely related crime problem.

The attack on the legitimate ownership of arms is, in my opinion, dealing with a symptom of a national problem rather than the cause. The cause of the "gun problem" is fear, the same reason that there is a tremendous increase in sales of large watch dogs, burglar alarms, tear gas, rifles and shot guns.

Two weeks ago, June 10, 1975 I held a lengthy discussion with Mr. Leonid Tarassuk, who until two years ago was curator of the world's largest arms collection in the Hermitage in Leningrad, Russia. Mr. Tarassuk spent five years as a political prisoner in Siberia. It was through the intercession of Senator Henry Jackson with chairman Brezhnev that he was allowed to leave Russia. He is now assisting the Curator of Arms at the Metropolitan Museum of Art in New York City.

Upon questioning Mr. Tarassuk about crime in Russia, his reply was that in Leningrad as in most large Russian cities crime is rampant and though it is not often mentioned in the controlled Russian press, their crime problem closely parallels ours. Armed thugs prey on the citizens. Even though private ownership of hand guns is prohibited, the criminal element has them through theft or clandestine manufacture.

Recently I read that in New York City, where gun laws are the most stringent in the nation, police estimate that there are nearly a million weapons in private hands. Here too prohibition has not worked. This is the city that crime statistics indicate the 20%, or one of every five robberies in the United States occurs.

I am sure that the committee knows of the experience in Orlando, Florida, in 1967, where the police trained 6000 women in fire arm self defense following frightening series of rapes. The crime rate, including rape, dropped markedly completely reversing the trend in other large cities. Not one woman had to fire a gun, just the knowledge that they were prepared was the deterrent.

We would love a simple solution to a complex problem. There is none. The most effective weapon is the knowledge that crime with a weapon will result in swift, severe, and sure punishment.

A man's home has always been considered his castle. Without a major change in our constitutional system the American citizen will continue to protect it as such.

**Hoffman's Gun Center**  
190 Market Sq., P.O. Box 11341,  
Newington, Connecticut 06111.

#### *Occupation*

Roofing Installer  
Accountant  
Foreman  
Police Officer  
Police  
Student  
Mechanic  
Police  
Food Service Mgr.  
Private Detective  
Security Guard  
Serviceman  
Self-employed  
Body Man  
Unemployed  
Guard  
Restaurant Owner  
Metal Spinner  
Merchant Seaman  
Technician  
Special Service Aide  
Teacher  
Guard  
Foreman  
Truck Driver

Heritage Firearms Co.,  
P.O. Box 69, Rt. 7  
Wilton, Conn. 06897.

#### *Occupation*

Salesman  
Businessman  
Scientist  
Salesman  
Serviceman  
Gas Station owner  
Post Office Clerk  
Mechanic  
Engineer  
Plant man  
Housewife  
Post Office  
Sales men  
Musician  
Retired  
Airline pilot  
Electrician  
Doctor  
Student  
Radio repair  
Banker  
Jeweler  
Post Office  
Businessman

**Hansen & Company,**  
244 Old Post Road,  
Southport, Conn. 06490.

#### *Occupation*

Policeman  
Security guard  
Policeman  
Machinist  
Postal clerk  
Salesman  
Commercial pilot  
Policeman  
Chef  
Diamond importer  
Dentist  
Printer  
Builder  
Exec. G.E.  
Restaurateur  
VP  
Student  
Photographer  
Self-employed  
Railroad worker  
ATF agent  
Comptroller  
Business officer  
Milling operator

Village Gun Shop,  
Forest Road,  
Northford, Conn.

#### *Occupation*

Steelworker  
Police Dispatcher  
Gun Repairer  
Retired  
Mechanic  
Elevator Mechanic  
Banker  
Printer  
Machine Operator  
Mechanic  
Police Sgt.  
Gun Assembler  
Pres. New Car Agency  
Aircraft Electronics  
Electrician  
Aircraft Mechanic  
Police Officer  
Retail Manager  
Guidance Counselor  
Self employed  
Inspector  
Police Officer  
Senior Technical Mgr.  
Painter  
Underwriting Mgr.

## STATEMENT OF WARREN T. LEWIS, ANTIQUE ARMS DEALER, EVERGREEN, COLO.

The purpose of my statement is to give you an insight into the thinking of the American gun collector today. The collecting of guns has progressed very rapidly in the last ten years. This was brought on by a growing number of people interested in guns and made easier by an increase in our affluence. The uncontrolled pace of inflation has added almost a panic to this as Americans learn that antiques are a good inflationary hedge. Of course, such articles as the one in the Wall Street Journal of March 27, 1973 touting the investment value of Collector's guns has certainly aided a rising market.

The most popular items to collect are handguns of all sorts. This is logical for several reasons. The handgun takes up far less space to store or display. For those who fear theft, handguns can be placed in a safety deposit box whereas the storage of rifles can be a problem. There is more romance to the pistol throughout the ages. It is the weapon of last ditch personal defense which seems to have a magic appeal.

The value of the items collected has rapidly increased. A spectacular example of this is a Colt Dragoon revolver of the 1850 period. This particular one is highly engraved, gold inlaid, and given by Samuel Colt himself to the Sultan of Turkey. It returned to this country about 1969 and was first offered for sale for \$25,000. The next price was in 1970 when a collector traded for it at \$100,000. That collector died in 1971 and the gun was on the market for less than a year. The new price was \$300,000 and it did go into a collection at that level.

This is an extreme case of value but certainly not unique. It is hard to find anything desirable to a collector for under \$100 and many items go for \$1000 and up. An average collector will have over \$10,000 invested and multi-million dollar collections are not unknown. For many, their collection is their entire life's savings.

The gun market is very strong and seems to have an unlimited ability to absorb fine items that come up for sale. In 1972 the finest collection of American handguns ever assembled was sold. It consisted of about 2000 handguns in fine condition. In about 30 days time close to \$3,000,000 was sold from this group and it would be difficult to estimate how many other millions of dollars changed hands as a result of the new merchandise on the market. These purchases do not represent those of a few wealthy men but thousands of collectors. Recently, a collection of Colt handguns ranging in age from 1836 to 1970 was sold out so rapidly that everything was gone before the advertising even came out. This group totaled over \$1,000,000. The Dr. Funderburg collection auctioned in Los Angeles this April grossed a half a million dollars in two days and everything was heavily competed for. Believe me, today's gun collectors are serious people and eager to buy fine things.

To give further insight into the magnitude of the collector's market and the high level of interest pervading, I must mention the collector's gun shows throughout the nation. These are by nature swap meets and sales whereby a collector will hope to add another piece to his collection or trade one he is tired of for something he likes better. I counted 331 gun shows listed in one gun magazine during the year 1974. In Colorado over half of the shows were not listed in this publication and this is likely true for all states. That is over 660 shows available on just 50 weekends since Christmas and Easter are not used. The size of these shows varies from 100 tables to over 1500 tables in Houston, Texas. The number of participants both as table holders, swappers and just spectators would be between 1000 and 25,000 with a conservative average of 5000 people per show. That is an attendance of over 3,000,000 people. I hope this will make you realize that gun collecting is no small hobby.

The weapons that are collected rarely end up in criminal activity. Collector's prices are too high to attract criminal purchasers and collectors take thousands of guns off of the market each year. One example of this is the current S&W Model 29, the large .44 magnum revolver. They have become popular with collectors so that the selling price is 50% above listed retail and production never seems to catch up with demand. Most of these big guns have been hung on the wall and not shot.

Even though collectors will rarely shoot any of their guns, they want them in working order. To pass legislation that would require collector's guns to be made inoperable would devastate their value. It is becoming obvious that red



tape is also detrimental to their value. The price differential in the field of Single Action Colt revolvers that were made before 1898 and those made after 1898 is widening rapidly. This is strong dollar evidence that the 1898 exemption of antiques plays an important part in their value to a collector. It is essential that this exemption be included in any legislation considered.

Today the collectors of cartridge handguns are numerous and active. Desirable items run the gamut from early revolvers firing unusual cartridges to collecting the many production variations of the current S&W Model 39 semi-automatic pistol. My own preference is S&W revolvers which were America's first successful cartridge handguns and evolve into the present day models. Each collector is a sincere student in his chosen field and proud of the group he has assembled. Many displays of guns, not for sale, will be seen at the gun shows with descriptive material so that others may learn about the items displayed. Often, a considerable history lesson is included.

You are here to study the impact of the handgun on crime. I am here to show you that there are millions of guns lying idle in America that have no bearing on crime statistics at all. They do not play a part in the list of accidental deaths either because these weapons are not kept loaded and many are not designed for fixed ammunition or fire cartridges that are no longer manufactured. Any expense to register or confiscate would only be a waste of money and an insult to the integrity of those who have collected them.

The recent N.B.C. show "A Shooting Gallery Called America" reported 40 million handguns in America with 2.5 million more being sold each year. They tried to shock listeners by saying that there is a handgun death each hour. There are 8760 hours in a year. That means that of the 40 million handguns 99.9775% were not involved in a death. America's gun owners should be commended for their safety, knowledge and restraint.

If you had any question as to the worthlessness of confiscation then the recent C.B.S. "60 Minutes" show on Jamaica should have answered it. They outlawed all arms and ammunition. They suspended the constitutional right of searches and trial by jury. Police can stop and frisk without cause. You can awaken to find your area surrounded by soldiers and your home searched without a warrant. Your trial is speedy because there is no jury. Your sentence is the same if you possess a single cartridge or a machine gun. That is an awful lot of freedoms to surrender, and for what? The report said crime dropped a mere ten percent for the first three months but at the end of a year it had resumed its normal pace. This can only be interpreted as a costly failure in both dollars and freedoms.

To seriously consider such an expense as registration or the constitutional conflict of confiscation in the light of this record can only strike you as ridiculous. In 1968 a study for the National Commission on Causes and Prevention of Violence stated the cost of licensing each gun owner with a system similar to that of New York City would be \$72.87. With inflation it is reasonable to assume the cost would be \$100 or more today. That is 4 billion dollars to run a lost and found service. If the results are the same as New York, you will get zero return on your investment. Confiscation would cost astronomically more and all you would have is the honest people's guns. If you would like to spend the same amount of money and get something for it then here are some ideas.

The main idea is to get the dangerous people off of the streets. Anyone who points a gun at someone during the commission of a crime is a potential murderer. They are clearly saying, 'If you don't give me what I want I will kill you.' The courts need to wake up and take a strong stand on this.

Crime must be made not to pay. If we want to spend money then double the court system so that the arrested person does indeed get a speedy trial. The Sixth Amendment to the Constitution guarantees this but our courts are so overcrowded that this is impossible. You might impress some of these law breakers if they found that justice was both swift and sure. As it is now, a felon will commit a dozen crimes while out on bail waiting for trial on the first charge. Finally, to expedite matters, he will be permitted to plead guilty to a lesser charge and will be loose on the street in six months to prey on the innocent again. No wonder crime increases, it pays.

If this means more prisons to hold these people, then let's build them. Instead of bending over backward to safeguard the rights of the criminal it is



time that we worry about the victim. We need to be realistic and admit that a small percentage of persons in this country are not fit to be free in society.

And last, let's get rough on those who use a gun against their fellow humans. A mandatory jail sentence to be served in full, something impressive like five years for a first offense and ten or more for a repeat violation. It will scare some but better yet, it will get others out of circulation for a meaningful period of time. Add to this a mandatory sentence for any convicted felon who is picked up in possession of a handgun. I would recommend five years for this also. Since 1938 it has been illegal for a convicted felon to possess a gun yet I have never even seen one brought to trial for this. It's time we made believers out of this tiny segment of Americans who would terrorize us all.

Mr. CONYERS. On behalf of the entire subcommittee, I wish to thank not only the citizens of the city of Denver, but particularly those people here at channel 6 who have been extremely cooperative with us. We have been in a number of cities and have rarely received the kinds of courtesies and cooperation that have been extended to us here. So, here in the West, we find that we have had one of the friendliest atmospheres in the course of our hearings. I am very grateful to all the unnamed men and women who have helped, most especially the staff of the subcommittee who have worked in a way that has caused the amazement of people on Capitol Hill. I yield to my colleague, Mr. McClory, for any matters he may have.

Mr. McCLORY. Thank you very much, I want to join in the expression of appreciation that in my opinion it has been a very fine hearing and we received very gracious treatment, and I would like to thank the staff of the station and our friends here in Denver and so I just want to join in saying thanks, and I guess we have to be on our way to get back to Washington.

Mr. CONYERS. On that abbreviated note of our colleague this hearing is adjourned.

Thank you very much.

[Whereupon, at 3:30 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

# APPENDICES

## APPENDIX 1

### REMARKS OF COLORADO STATE SENATOR BARBARA HOLME

I want to thank you for inviting me to offer testimony before this subcommittee. I am also appreciative of the effort this subcommittee is making in sounding out public opinion across the country.

As a state senator from Denver I represent the most densely populated and crime ridden area of the city and of the state. For these constituents, as well as for a vast number of other Colorado residents, I would suggest that gun control has become an issue that won't go away. Major crime in Denver was 36 percent higher in early 1975 than in early 1974. Robberies and burglaries had increased by 50 percent over last year. Gun control legislation at the federal and state level is needed without further delay.

To date, however, the Colorado state legislature has been unwilling to enact a single significant proposal on gun control. The history of what might be called "significant" legislative proposals on this subject began in 1969 with the passage of a measure which directed compliance with the federal "Gun Control Act of 1968". During the past six years, nearly a dozen measures have been introduced in the Colorado legislature. Half of the bills have been introduced since 1972. They have been aimed generally at regulation of handguns, or increasing the sentence for a person convicted of committing a felony or attempting a felony while in possession of a firearm. All of these attempts have been defeated by the General Assembly. The measures introduced prior to 1972 were directed mainly at regulation of rifles and shotguns. Of the measures introduced, only one was enacted.

The most current efforts came during the 1975 legislative session just concluded. H.B. 1011, sponsored by Representative Charles Howe, similar to a bill introduced a year previous, had three major provisions:

- (1) A five day "cooling off period" between receipt of an order for a handgun and delivery thereof;

- (2) A ban on "Saturday night specials"—defined in the bill as any handgun, the structural components of which have a melting temperature of less than 1,000° F; and

- (3) The keeping and filing with appropriate authorities of the records of every handgun transaction within the state.

This measure passed the House of Representatives in Colorado with not a single vote more than was necessary for adoption of a bill. The proposal died in a Senate committee without a hearing. Yet the Gallup Poll has shown for the past ten years over 70% of Americans favor gun control. Last fall the poll found 72% in favor of gun registration, in the West the response was 69%, only slightly lower.

Although I am not aware of a poll of the state's citizenry on the issue of gun control, it is significant to report that two legislators in the General Assembly recently conducted a survey on the question of whether Colorado should enact gun control legislation which requires a five day "cooling off" period between the time of order and the time of delivery of small handguns. Representative Howe's poll indicated that 73 percent of those responding from his district (the city of Boulder, Colorado) agreed with the need for a "cooling off" period. Of greater significance, I think, was a poll conducted by Senator Hatcher whose district encompasses eleven sparsely populated counties in southcentral Colorado. Fifty percent of the respondents favored the "cooling off" period concept. Remember this is from a totally rural district.

The editorial pages of the Denver newspapers and those out-of-state papers that commented on the issue offered statements in support of H.B. 1011. The

following editorial from the Denver Post, dated April 4, 1975, is an example of the editorial endorsement:

"The staff of the Denver Anti-Crime Council has developed some statistical information about homicides and non-fatal shootings that ought to be studied carefully by the state senators who will be voting this spring on the handgun control bill passed by the Colorado House.

"In the bill, the cheap handguns called Saturday Night Specials are outlawed entirely; and a five-day cooling off period is required before other handguns can be sold.

"The Anti-Crime Council's statistics on homicides and aggravated assaults with guns tend to confirm the wisdom of these provisions.

"They indicate that in both fatal and non-fatal shootings, the victim and the offender usually knew each other, were usually drinking before hand, were frequently having an argument and were usually of the same race or ethnic group. The most common weapon used was a handgun smaller than .38 caliber, which, in many cases, must have been a Saturday Night Special.

"Most of the shootings tend to qualify as 'impulse crime' arising out of the haze of alcohol and the heat of argument. If the handguns involved had been less readily available, it is probable that some lives would have been saved and some wounds avoided.

"Of 99 shooting homicides between mid-1970 and mid-1972 in Denver, the victim and the offender knew each other in 66 cases. In 17 of those cases, the offender was the spouse, in 9 another relative and in 28 a friend.

"In these killings, the availability of a handgun was an important element. If cheap handguns had not been on sale in Colorado, it is probable that some of the offenders would not have bought handguns at all; and if they had been deterred from gun ownership by the higher price, some of them would not have been in a position to kill in a fit of anger.

"An angry man, who has been deterred by the price from buying a handgun when he was calm, might be driven by his anger to go out and buy one at any price. But, if there were a five-day cooling-off period before a handgun could be sold to him, the anger would have time to subside and the killing might be avoided.

"The handgun control bill passed by the Colorado House could not prevent a large number of killings and other shootings. But the Anti-Crime Council statistics suggest that some lives would be saved and some wounds avoided, if the bill were passed by the Legislature."

I would assert that we as legislators at the state level and the national level as well must enact an effective gun control program immediately. However, it is not very effective for us in Colorado to enact legislation making it difficult for someone to purchase a gun, if he can go across the border to Wyoming or Utah and buy a gun immediately with no questions asked. The Denver City Council enacted an ordinance prohibiting the "Saturday Night Special," but it has been ineffective since there are no similar ordinances in the surrounding suburbs. Therefore, I think the burden is on you as federal legislators to enact national legislation.

I urge you to enact legislation prohibiting the possession of any firearm by anyone except a law enforcement officer. I think all persons who own guns (shotguns, rifles or handguns) should have to store them in the police department. They would be allowed to check out their guns for hunting trips or other justifiable reasons. Collectors of antique guns could keep the guns only if they are rendered permanently incapable of firing. After a year or two years during which time this law is publicized and people are given opportunities to check their guns, it would be illegal for anyone to possess a firearm unless he had a permit. To those who scream that people need guns for self defense, I point out that there is a 70 percent greater chance of guns kept in peoples' homes being used against a member of the family or against a friend in a domestic row than against an intruder (*Rocky Mountain News*, "Treads" Section, May 4, 1975, Page 2).

I realize that this suggestion goes further than most you have heard. I realize also that it probably would not force criminals to give up their guns. However, it could prevent some impulse killings and move the nation toward a goal that most Americans approve.

Until this major step is taken, I suggest that at the very least national legislation require registration and licensure of firearms.

It is my firm belief that gun owners should be licensed and all guns registered. This procedure would hold each licensee strictly and personally accountable for every gun in his or her possession.

Such registration and licensing should include these minimum provisions:

1. At least a five-day "cooling off" period between receipt of an order for a firearm and delivery thereof;

2. No one may buy any kind of firearm (shotgun, rifle or handgun) if he:

(a) Is a felon; or

(b) Cannot show a need for a firearm; or

(c) Will not submit to fingerprinting;

3. Local authorities, in conjunction with the Federal Bureau of Investigation, should keep a file of such firearm licenses along with the fingerprints.

4. No one may purchase any kind of firearm or ammunition unless he has a firearm license.

Federal legislation should also be enacted which would outlaw "Saturday Night Specials". The law should prohibit the importation, manufacturing, assembly, or sale of these cheap handguns.

I note that in the President's new anti-crime program announced last Thursday, Mr. Ford also proposes a ban on the manufacture and sale of cheap handguns. These guns cannot be aimed with any precision. They cannot be used effectively for hunting or target practice. Their use is primarily to fire at or threaten human beings.

The issue of gun control represents a challenge to the Congress and state legislatures to produce a compromise measure that can still be effective. Groups on either side of the issue of gun control have been in a standoff position since enactment of the "Gun Control Act of 1968". 1975 is the year to solve that impasse.

## APPENDIX 2

Hon. JOHN CONYERS,  
*Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives, Congress of the United States, Washington, D.C.*

DEAR MR. CONYERS: Through our Congressman, Mr. Don Young, I have learned that you plan hearings in large cities on gun control during this summer. Please rest assured that the heart and guts of this country would like to be heard also. What happens in the ghastly urban areas has no bearing on our life style, let alone causing a legitimate reason for tampering with our constitutional rights. Any attempts to relate city problems with crime to the right to own firearms is farcical and beyond the realm of reasoned logic.

Gun control, for some unknown and I am sure unsubstantiated, reason, is viewed as a panacea for crime. How ludicrous! Don't gun control proponents listen to the words of the very criminals they seek to reduce? Apparently not. Will you listen to Joe Citizen then? There appears to be negative answer to that also. How many times must we people be put upon to get the message through. Each time the desires of the nation's citizens are shunted aside while some star gazing political whiz kid jockeys statistics and cries alarm over crime and blames an inanimate object. And then proceeds to equate all people on some spurious notion that we think, behave, and live alike. Ridiculous.

For once take an honest and objective approach to crime problems. Don't penalize the honest citizen. Today I read where an editorial writer from Rochester said "realistically speaking, no one buys a revolver to hunt rabbits. . . ." How absolutely untrue. Shows to go you how greedy, selfish, and unlearned about his fellow citizens the people of East and other urban areas are.

The will of the majority is spoken of, and that means where most people live and have the greatest political clout. Yes, they could far outnumber us and Congress could listen to them and say the majority say ban guns. But, the truth is, and every responsible person knows it, the will of the majority was never intended to be used in an abusive and punitive manner, and certainly never to deny citizens of this country to the rights of liberty and the pursuit of happiness. It's had enough that victims of crime and criminal acts are forgotten and treated secondary to the criminals themselves but to start, excuse me, continually harass

1866

citizens at large, that is the essence of dictatorship and worse and I feel is itself unconstitutional.

I do hope we in the hinterlands will be heard again.

Respectfully,

TOM G. ARMOUR.

---

WILLIAM G. GARLAND,  
*Big Bear Lake, Calif., May 11, 1975.*

HON. PETER ROBINO  
*Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.*

DEAR MR. ROBINO: In reference to the numerous handgun control bills currently before the Judiciary Committee I urge your support in excepting licensed security guards, patrolmen and other personnel from measures requiring prohibition of possession, purchase or transportation of handguns.

I bring this matter to your attention, as several of the proposed bills exempt only military, law enforcement personnel and licensed pistol clubs. Most proponents of handgun control bills, would, I am certain, agree that state licensed security agencies and their personnel have a pressing, legitimate need for the handgun. California, for example, requires that all security agents be licensed, fingerprinted, checked for criminal background before working in the private security industry. In order to carry and use firearms, California requires testing, range qualification and another background investigation.

Being licensed to protect life and property in rather remote mountain areas, my own patrolmen are often the first to discover and respond to felony crimes with back-up from law enforcement usually ten to thirty minutes away. The presence of a properly and legally used sidearm has saved the client and patrolman from bodily harm more than once.

The most staunch gun control supporter must admit that while laws may disarm private citizens, criminals will be very slow to follow suit. Armed crime will not cease overnight; professional security provides a first line of defense for many citizens, especially with law enforcement personnel so thinly spread.

Thank you for your consideration in this matter. May I hear from you in response to my comments?

Sincerely,

BILL GARLAND,  
*California Private Patrol Operator C-6293.*

---

THE CRAWFORD TRIBUNE,  
*Crawford, Nebr., June 4, 1975.*

VIRGINIA SMITH,  
*Third District of Nebraska, Longworth House Office Building, Washington, D.C.*

DEAR CONGRESSWOMAN SMITH: I was sorting today through a myriad of press releases which have been received from your office, and am compelled to write you my total opposition to recent positions which you have announced.

How can you on the one hand speak out AGAINST gun legislation, yet on the other hand appear—apparently in favor—of that human life amendment scroll. Aren't these terribly contradictory? And I cannot possibly understand how a Republican can take either position.

It is my understanding that the Republican position has been one of non-government intervention in our personal lives: yet "human life" proponents—whatever that means—will tell me they have the right to determine what I do with my body. The day you, Mrs. Smith, will give total health, welfare and child care and socialism to every person in this country, then you come to me with your "human life" amendment. But as long as there are countless thousands in this country living in abject poverty or near-poverty, as long as enumerable young girls face the deadend street of too-early pregnancy and hopeless marriages, you have no right to vote—let alone speak out—about matters that should be left to the individual and her doctor.

And add to that, Mrs. Smith—25 years from now, when the shotgun marriage ends in a bitter, drunken struggle of hate . . . put a gun in that house, Mrs. Smith, and I suggest you travel with the nation's police officers through blood-spattered bedrooms and dead bodies.

Freedom of ownership is one thing, Mrs. Smith; I am free to own a car—but would you let me drive it untaxed, would you let me drive unlicensed? And shall I drive a stolen one? A vast majority of murders in this country are committed by relatives and friends; shall we arm them all without any checks, shall we give them Saturday night specials that are designed to be carried surreptitiously?

Do you speak for a "majority of western Nebraskans," Mrs. Smith? You do not speak for me—and looking at your slim margin of victory, I suggest you ponder long and hard before you claim to do so.

Sincerely,

SUE SANDERS.

---

LOS ANGELES, CALIF., May 16, 1975.

HON. JOHN CONYERS,  
*House of Representatives,*  
*Washington, D.C.*

MY DEAR MR. CONYERS: I wish to add my name to those who disapprove of the private ownership of guns, most especially hand weapons, and to express the hope that there will be strong gun legislation in this country one day. I support such legislation utterly, as does my husband.

Both my husband and myself are ex-Marines who served during World War II. He *had* to have his rifle then and I had to learn how to take the blinking thing apart and put it back together, whilst in Boot Camp. Neither of us has touched a weapon since that time and consider it to be monstrous that private ownership of guns is permitted in this country. If we did own a gun, it would be registered immediately, as should, but we don't and never will own one.

Whatever is in your power to do to get effective gun control legislation enacted, we will support and encourage.

I have followed your political career with great interest, Mr. Conyers, in part because I grew up in Michigan and graduated from Ann Arbor. While I have lived in California since 1944, Michigan continues to hold a certain place in my heart, and my devotion to the University of Michigan could not be greater.

With kindest regards,

Yours very truly,

---

Mrs. ROBERT KEATING.

EAST LAKESHORE DRIVE,  
*Whitefish, Mont., May 7, 1975.*

CONGRESSMAN PETER RODINO,  
*House Office Building,*  
*Washington, D.C.*

DEAR CONGRESSMAN RODINO: In view of the frenzied drive toward gun control and Time magazine's report that "In the U. S. Congress, House Judiciary Committee Chairman Peter Rodino is enthusiastically committed to reporting out a strong control bill, perhaps this summer or fall," I feel that I must express my views.

I am continually amazed that congressional leaders feel that any time there is a problem more laws will be the answer.

As far as gun control, even outright abolition of guns will not cure the problem of crime. Restricting the ownership of guns by a private citizen will only produce a multi-billion dollar black market. There is no question that the criminals and the underworld will get all the weapons that they want. What we need in this country is law enforcement agencies that will enforce the laws already in existence and courts that will uphold these laws. There seems to be, in this country, a greater concern for the criminal's rights than there is for the rights of the victims or the rights of the decent law-abiding citizen.

As far as the "Saturday Night Specials" go, they should be outlawed completely. I have been puzzled for quite some time and I ask you, "Why have the manufacturers and/or importers of these weapons been allowed for years to continue in this business?"

I am a life long resident of Montana, a veteran and a tax paying citizen and there is absolutely no justification that because there are areas in this country that have crime problems, I should have any restriction on my rights or privileges

here in Montana. If Mayor Daley has a problem in Chicago and needs federal assistance, he should get it but in no way should any restriction be placed on me because of it.

I have served my country, I continue to support it and I only ask for my rights and privileges. I firmly believe that "the right to keep and bear arms" means just that.

Respectfully yours,

D. R. SLAYBAUGH.

ISLAND RECORDS INC.,  
April 22, 1975.

Hon. PETER RODINO, Jr.

Chairman, House Judiciary Committee, Rayburn House Office Bldg., Washington, D.C.

Sir, senseless slaughter is occurring every day in every city in the United States of America because there is no effective handgun control.

Normal law-abiding citizens are killing their families and neighbors out of fear and ignorance. Petty thefts are becoming first degree murders and peace officers are used as targets. Our children are being put through untold pressures at their schools because students are carrying guns to kill each other. Streets, parks and public places are not safe after dark.

Bad as this situation is the future can only be worse. As long as parents have guns in the home, children will die! Consider the huge growth in child abuse in the past years. With the current availability of handguns, abuse will soon be murder. Consider that magazines geared for the ten (10) to twenty-one (21) year old reader still carry full page ads for mail order guns and ammunition.

We have age limits for driving, drinking, buying cigarettes, joining the armed services and tests to prove ability for driving, schools, armed services and employment, all of which are supervised and controlled. We have no effective control over deadly handguns!

Handguns have no purpose except to kill human beings! They are useless for sporting and hunting. They are only instruments to kill people. They cannot be allowed to be sold to the public!

I respectfully demand that you personally support the Bingham bill: H.R. 40 and the Hart bill: S. 750, for the preservation of the American people.

GARY J. ROSENBERG.

LOS ANGELES, CALIF., April 22, 1975.

Congressman JOHN CONYERS,  
Chairman, House Subcommittee on Crime,  
Rayburn House Office Building, Washington, D.C.

DEAR MR. CONYERS: Recent publicity on television and in the newspapers indicates to me that now—when coordinated efforts are being made by concerned citizens to combat the organized anti-gun-control groups—is the time for me to express as strongly as I can my feelings about the lax gun control laws in the United States of America. I am writing as a victim of a gun incident (all members of the families and even the friends of the murdered person are emotional victims). I feel that my experience should outweigh the claims of those who complain about "any further infringement on the rights of an individual to own weapons of any kind."

My daughter was murdered by a young man known to carry a gun, a man who would not take "No" for an answer.

She and another young man (and I and others by association) were being threatened. The police could or would do nothing: There was no witness to the threats; a gun is a plaything under present laws, it seems.

Finally, after a month of terror for both of us—with only a brief respite in another country—the fatal day arrived.

She was cornered in the hallway of her apartment building as she left for work, lunch sack and police whistle in hand, and—without the chance given to a doe in the forest by law—was gunned down.

The death certificate reads: "Multiple Gunshot Wounds."

Thank you for your consideration of these facts when the subject comes up for legislation.

Yours very truly,

ISABELLA B. HAWKINS.

1869

HUNTINGTON BEACH, CALIF., July 2, 1975.

Re Gun Control.

Representative JOHN CONYERS,  
House Office Building,  
Washington, D.C.

DEAR MR. CONYERS. I'm not in your constituency but felt I should pass along to you an idea which I've written about to my Representative, Mr. Hannaford, and to Mr. G. Ford.

Some of the gun control argument might dissipate if the "Saturday Night Specials" were eliminated.

My suggestion is that quality level specs be set by law—or by an order from one of the agencies, such as a consumer protection agency. The Defense Department specialists who write procurement specs for buying of quality hand guns and rifles could easily adapt such specs.

By requiring components to meet such specs the local (U.S.A.) assembly of cheap foreign-made components would be controlled and maybe stopped.

Specs could require alloy steels, heat treatment, and fine surface finishes, and forbid the use of castings or of powdered metal parts.

Purchasers would thus pay for high quality, as Police Officers and sportsmen now do.

I'm not a gun collector or a "gun nut" and don't belong to any organizations such as the NRA. I don't own stock in any armaments firms, nor do I favor controls or registration. But I do feel that the problem of the "Saturday Night Specials" is long overdue to be controlled. I think my idea might do this.

Sincerely yours,

CHARLES P. HABER.

---

LOS ANGELES, CALIF., June 25, 1975.

HON. PETER RODINO, JR.,  
Chairman, House Judiciary Committee,  
Washington, D.C.

CONGRESSMAN RODINO: We urge you to exert your considered influence in the urgent matter of getting a strong Hand Gun Bill passed by this Congress.

Of course you know that the overwhelming numbers of hand guns now owned privately in our land has proliferated the number of shootings . . . the figures become more and more threatening and alarming!

However tentative laws will handle "licensing and/or regulating" sale of guns, we believe priority should be given to outlawing the manufacture of such guns . . . and parts thereof. Strike at the source. Criminal acquisition and/or sale of guns make the task formidable as it is . . . but, at least, clamp down on manufacturers as well as dealers.

Perhaps "hand guns" per se are not the answer to control of killings but it seems a first priority.

However, in addition to restricting availability of guns, we pray that Congress will quickly do some overhauling of our Justice System which presently defends the rights of criminals more often than the rights of citizens. Curbs laws, stands, must be enforced.

Of course we respect your great contributions to real Justice in our country, personally. But we need legislation quickly to overcome (or at least curtail) the "Crime in the Streets". We become a nation almost paralyzed by fear of proliferated violence.

Bi-Centennial Celebration? Only if we can prove that democracy works and that we, the citizens, are not threatened, cheated, violated, also killed.

Respectfully,

MR. AND MRS. J. M. BARNETT.

---

SINAI TEMPLE,  
Los Angeles, Calif., June 18, 1975.

HON. PETER RODINO, JR.,  
Chairman, House Judiciary Committee,  
Rayburn House Office Building,  
Washington, D.C.

DEAR SIR: I am writing to you on a matter of life and death. I am sure that you are aware of the fact that in 1973 over 53% of all murders committed



were committed with handguns. The only use for the small handguns is to kill; It is not for hunting. Handguns are proliferating in our public schools and we hear of tragedies almost on a daily basis where teenagers are killed.

In a democracy we count on our elected officials to help protect people by decent laws. I turn to you now as a concerned citizen to ask your support for Senator Philip Hart's Bill S-750 and Congressman Jonathan B. Bingham's Bill HR 40. We must take action to stop these unnecessary killings in our society. Please lend your effort to save lives.

Sincerely,

Rabbi PAUL DUBIN,  
*Director of Education.*

WILLIAM T. DUNN,  
*Route 5, Box 5665, Juneau, Alaska.*

DEAR CONGRESSMAN CONYERS: This note is prompted by the enclosed which I think you will find of interest.

There are just a whole lot of people up here who want something Draconian done about criminals and their easy access to guns. However, you would never guess it from our congressional delegation.

Through plain ignorance and a well-financed campaign by the gun lobbyists, primarily the N.R.A., too many well meaning and law abiding citizens equate gun registration with some government agency taking away their precious guns. When this deliberate misrepresentation is adequately answered and shown up for what it is, there will be a whole lot more people working for gun control. I have been outspoken by supporting this in our paper and over the air for years.

Sincerely,

WM. T. DUNN.

P.S.—I have written Don Young making clear my views, and will shortly write the same to Senators Gravel and Stevens.

[From the Southeast Alaska Empire, Juneau, Alaska, June 9, 1975]

#### CARDS AND LETTERS

Keep those cards and letters coming, folks. At least that was Rep. Don Young's idea when he tossed a colleague's insincere offering right back in his face.

The Alaska Republican had asked Rep. John Conyers, Jr., chairman of the House Judiciary Committee's subcommittee on crime, to hold hearings in Alaska on the issue of gun control. Conyers turned down the request, but in the politely insincere manner typical of Washington correspondence, he told Young to "please feel free to communicate with me on the sentiments of your constituents."

Young took him up on it. In a June 3 letter to Conyers, Young replied:

"Under the circumstances, I feel that this is an excellent idea. And since it would be better for you, and the members of the committee, to receive as accurate a reflection of that sentiment as is possible without an actual hearing in Alaska, I have decided to forward to your office all correspondence I may receive from the people of Alaska on the issue of gun control so that your committee may more fully understand the true sentiments of my constituents."

That sack full of angry letters every week or so should give Conyers something to read while being chauffeured to work in the morning.

J. WILLIAM BEARD,  
*San Diego, Calif., September 2, 1975.*

Hon. JOHN CONYERS,  
*Chairman, House Judiciary Sub-Committee on Crime,  
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: It is hoped that your committee will report out a strong bill banning possession of handguns by all except law enforcement officers, certain designated security officials, legitimate pistol clubs and limited special permittees.

For twenty-five years I have practised criminal law as a prosecutor and defense attorney, and am presently certified as a Criminal Law Specialist by the California State Bar. I have personally encountered countless deaths which were unnecessary, and would not have occurred except that the handgun was easily available to the person committing the crime or causing the accident. Attempted suicide by handgun is usually an irreversible act.

Please do not be misled by the vocal minority; it is well financed and has been very effective. I was a State Senator in California and know the strength of the National Rifle Association lobby at all levels of government. Your bill will undoubtedly provide for legitimate gun clubs, but strict control should be placed on these clubs so that they are not used as a tool to evade the thrust of the law. I recently debated a Washington lobbyist on San Diego radio station KSDO on the issue of gun control. I was amazed to find that a majority of the callers were sympathetic to my position of strict handgun control legislation. Generally, the audience for talk shows of this kind is very opinionated and I thought that I would be deluged with sarcastic references to my unpatriotic position. I found that times have changed; that people are generally concerned about handguns in the possession of criminals, alcoholics, the insane or unstable and young children.

Yours very truly,

J. WILLIAM BEARD.

TUCSON, ARIZ., July 7, 1975.

HON. JOHN CONYERS, Jr.,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. CONYERS: Herewith is a letter I recently wrote to the Executive Vice-President of the National Rifle Association. In it is a proposal for legislation which would hopefully curb some of the misuse of firearms in the United States.

I have sent this letter along to you in hopes that it would aid you in determining what position you should take during the ongoing debate concerning the various gun laws that are before the Congress. I also hope that it will help convince you (if you need convincing) that all gun users are not the unthinking, wild-eyed gun nuts depicted by many who would deny us our right to keep and bear arms. We are concerned.

Sincerely,

ROBERT V. BAIRD,  
*Lieutenant Colonel, USAF.*

TUCSON, ARIZ., July 2, 1975.

MAXWELL E. RICH,  
*Executive Vice-President, National Rifle Association,*  
*Washington, D.C.*

DEAR GENERAL RICH: My reason for writing concerns a proposed method of getting slob gun owners and hunters off the streets and out of the woods.

My wife and I just concluded a week's outing in the more primitive areas of Northern Arizona and everywhere we visited, shot up traffic and Forest Service signs (some very elaborate and expensive) attested to the fact that we of the National Rifle Association have been completely ineffective in ridding gun slobs from the ranks of honest and concerned gun users and hunters.

There is little doubt in my mind that these irresponsible and dangerous individuals are, to a great extent, responsible for much of the anti-gun sentiment in the United States.

I believe the following proposal would help us rid ourselves of these detractors, while at the same time prove to our anti-gun legislators that we of the National Rifle Association are pro-something, not just anti-gun!

I believe that one of the primary reasons that most gun owners (myself included) fear gun registration is that it sets the stage for eventual confiscation by providing the various government agencies with a ready made inventory of where to look for each and every weapon. The present hassle in Washington, D.C., is a prime example.

To preclude this, while ridding ourselves of gun slobs, I propose the registration of gun users. And this only after an extensive firearms safety/responsibility course and the payment of a very stiff fee for the privilege of using firearms. The course would be run by the National Rifle Association, the fee would be \$150.00 to \$250.00, and the age limit for an unrestricted "firearms user's license" would be 18 years or older. If not 18 years of age, a firearms user would always be accompanied by a licensed adult and possess a "learner's permit" himself. This learner's permit would also require attendance at the firearms course and the

payment of the full fee. Penalties for knowingly possessing a weapon in violation of this law would begin with automatic suspension of the firearms license for one year and a \$1,000 fine. A second offense would mean a mandatory jail sentence and permanent loss of license.

A bit stiff you say? You're damn right, but it is a small price to pay to rid ourselves of the slobs and to retain our right to bear arms.

I envision arguments against this proposal on at least two fronts. The first would be that it is discriminatory against the man who does not have 150-200 dollars. I don't buy this—when you pay a top price for something (in this case your license) you take good care of it (you don't violate laws that would result in losing your license). Next, I have been hunting big game for 15 years and I have yet to see someone who can afford to pay \$100 to \$275 a day for an outfitted hunt waste his time shooting highway and Forest Service signs. Nor is he likely to shoot up the local tavern or rob the corner liquor store. This type individual may not be honest, but for the most part he sure as hell isn't stupid. Also, if you can afford a weapon and its ammunition, not to mention two TVs and two automobiles, you sure as heck can afford to pay your "firearm's fee." If you can't then you have no business shooting. A way to make the fee more palatable would be to use the greatest portion of it for wildlife management and shooting sports.

The second argument against my proposal (there are no doubt more) would be that it also could lead to confiscation. You're right, but no more so than the act of my buying a hunting license or belonging to the National Rifle Association would tip off the gendarmeries that I own weapons. What they don't know is how many and what kind.

The "firearm's license" would have to be presented before an individual could purchase a hunting license and the enactment of its enabling legislation should be accompanied by laws which insure swift and certain punishment of criminals who use firearms in breaking any and all laws.

Of course, a law of this kind would require a lot of whereases and wherefores, but I believe with a positive approach it could help us police our own ranks and at the same time preclude more unbearable and ineffective laws from being passed by those lawmakers who view us all as indiscriminate slobs who lay waste to wildlife and human life alike!

Sincerely,

ROBERT V. BAIRD,  
*Lieutenant Colonel, U.S. Air Force.*

---

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., June 2, 1975.*

HON. JOHN CONYERS, Jr.,

*Chairman, Subcommittee on Crime, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Enclosed is a letter I recently received from Mr. Kermit W. Beckman, a constituent of mine from Wichita, Kansas. Mr. Beckman has made a suggestion I believe your Subcommittee might be interested in while conducting your hearings on the various gun control proposals.

Perhaps Mr. Beckman's alternative may be given some consideration.

Sincerely,

GARNER E. SHRIVER.

WICHITA, KANS., *May 13, 1975.*

HON. GARNER SHRIVER,  
*Washington, D.C.*

DEAR SIR: Since you are interested in improving the laws for our nation, I would like to offer a suggestion that could possibly reduce the rate of crime in our nation.

Proposals for a new gun law are being considered. I believe any new law or amendments will be of very little effect, if any, on the increase in crime as there are large numbers of guns unregistered and will remain unaccounted for. With this situation at hand, I have a suggestion that all ammunition and material for making it should be sold only to responsible parties that have been checked thoroughly by law enforcement network to determine they have no criminal records and then given a permit. Sales should be on a limited basis. I believe the cost of enforcing this kind of law would reduce the cost of combatting crime substantially.

Thank you for giving my proposal your consideration.

Yours truly,

KERMIT W. BECKMAN.

---

CHURCH OF THE BRETHREN,  
NORTHERN PLAINS DISTRICT, INC.,  
Froid, Mont., May 9, 1975.

HON. PETER W. RODINO, Jr.,  
*Chairman, House Judiciary Committee, House of Representatives,*  
*Washington, D.C.*

DEAR MR. RODINO: Our constituency has been informed that gun control is on Congress' agenda and that there is a good chance that meaningful legislation will be enacted.

We know that your House Judiciary Committee's Subcommittee on Crime has been holding hearings and that the Church of the Brethren's General Board's "Statement on Firearms Control" (June 1968) was requested by the subcommittee. On behalf of our General Board, Wayne Zunkel has also prepared testimony for your subcommittee.

This letter is in support of our Washington Office and the National Coalition to Ban Handguns in its goal of a ban on importation, manufacture, sale, transfer, ownership, possession and use in U.S. society of handguns, except in extremely limited instances.

In view of what we see happening in our own communities and after the national television broadcast on Sunday evening, April 27, showing the destruction in our country by the indiscriminate use and availability of handguns, control seems imperative.

Members of our Christian Witness Commission, representing 38 congregations in the states of Iowa, Minnesota, North Dakota and Montana are:

John Wagner (Chairman), 1614 Hammond St., Waterloo, IA 50702

Martin Stine, Rt. 3, Adel, IA 50003

Ruth Clark, Froid, MT 59226

Marilyn Coffman, South English, IA 52335

Marvin Thill, Rt. 3, Adel, IA 50003

The tremendous amount of effort and study that is going into this concern is appreciated.

Yours sincerely,

RUTH CLARK,  
*Secretary, Christian Witness Commission.*

---

OREGON STUDENT PUBLIC INTEREST RESEARCH GROUP,  
Portland, Oreg., June 1, 1975.

Representative JOHN CONYERS,  
*U.S. Congress, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: As we approach the seventh anniversary of that fateful night in Los Angeles when one of your fellow Congressman was assassinated while running for the Democratic Presidential nomination, I am reminded of the vital importance of enacting strong gun control legislation to curb the

tide of violence which still rises mightily in this country, despite public attention being drawn away from this important issue by the finale of the Indochina War, the aftermath of Watergate, and continuing inflation.

In 1968, Mr. Conyers, I was 14 years old—by two days—when Bobby Kennedy was shot; 13 when Martin Luther King was killed; 9, when President Kennedy was felled . . . and I remember. Tomorrow, I turn 21.

Before the police riot at the Chicago convention, I wasn't much involved with politics, but now I am. After speaking, marching, protesting and picketing in the peace movement, I tried—unsuccessfully—to initiate petitions against our current lax gun laws. In recent years, I have been active in OSPiRG here in Oregon, and am currently working toward making gun control a top priority of our Nader-initiated student group. As OSPiRG branches out from strictly consumer and environmental affairs into civil rights and liberties areas, I trust that we will have an increasingly effective impact in such areas as gun control, which, I believe, more readily affect our day-to-day lives as well as enabling us, as a society, to carry out the vision of the Kennedys and Dr. King.

I fervently hope that you in the Congress will be able, this legislative session, to finally enact comprehensive controls through registration of sales of all handguns, rifles, shot-guns, ammunition, dynamite, etc.—of all machinery and devices, in short, whose sole purpose, for “good” or “bad,” is to hurt and maim and kill people; living human beings.

I don't live in your district, so I can't vote for you, but if I have any money left by the 1976 elections, I'll certainly contribute to your campaign.

Thank you for your time, energy and concern—I hope you get something passed.

I am, Sincerely,

LEW CHURCH,  
State Secretary.

DENVER, COLO., June 17, 1975.

Mr. TIM HART,

*Subcommittee on Crime, Rayburn House Building, Washington, D.C.*

DEAR MR. HART: I note that your committee on crime will be holding hearings in Denver, Colo. June 23 and 24.

I would be pleased to be called, to give testimony on this vital subject. I have some very important thoughts relative to this matter.

Please call me at 303-233-0856, Denver, Colo.

Yours sincerely,

LOWELL E. JARRATT.

#### A SLAP ON THE WRIST OR TAKE THE GUNS AWAY

Will that solve society's crime problem? A slap on the wrist seems to be the easy way to dispose of criminal offenders by our District Attorney and judges of our District Courts. Why should a potential FELON have any worries, when they know they can BARGAIN PLEAD their way out. A shining example of this practice is recorded in the Denver Post, February 9, 1975. Three youths were sentenced for killing a man in the presence of witnesses, for second degree murder, which had to have the approval of the Judge, Roscoe Pile. Judge Pile then sentenced these murderers to 20 years at the State reformatory at Buena Vista and will be eligible for parole in 4½ years; but that victim will still be dead.

Felonies and murders cannot be stopped by outlawing guns. The Eighteenth Amendment proved a failure by creating BOOTLEGGERS; we all know the rest of the story. To out-law guns, if the Second Amendment would permit it, would be big business for BOOTLEGGERS again. A would-be felon can and always will be able to get a gun if he wants one; so to enact gun control laws will only aggravate the entire situation.

If the ones that want the guns taken away, they will have to remove the Second amendment. We start removing amendments and elements of our Constitution, it would not be long until we all would be slaves of some political group.

To end these felonious crimes we will have to do something more than slap a wrist. It seems that our elected enforcement officers are prone to be lazy and do their job the easy way. That must be stopped if we want crime deterred. How? ? ? Stop plea bargaining for one thing—let the crime be punished as to what law says. Next—make it mandatory sentencing for: commitment of a crime by the use of a fire-arm, explosive device or any other deadly weapon or imitation thereof if no death or bodily harm has been done, upon conviction shall be sentenced to mandatory life imprisonment without parole; if a death or bodily harm has been done to a person by the use of a fire-arm, explosive device or any other type of deadly weapon, upon conviction shall be a mandatory death sentence. To make this mandatory sentencing conscious to the public, public notices shall be posted in public places, in many languages.

You can't legislate people to be good; the felon can be dealt with so society won't be harassed. Gun control legislation will not answer the problem. Neither will a slap on the wrist by our District Attorneys and Courts solve our big crime increase of 25% in 6 years.

LOWELL JARRATT,  
*Member, National Rifle Association.*

---

STATE OF CALIFORNIA,  
FISH AND GAME COMMISSION,  
*Sacramento, Calif., June 4, 1975.*

HON. JOHN CONYERS, JR.,  
*Chairman, House Judiciary Subcommittee on Crime,  
Rayburn Building, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: Enclosed is a resolution which was unanimously adopted by the California Fish and Game Commission on May 30, 1975. This resolution indicates the Commission's concern over firearms legislation which further restricts law-abiding citizens. It indicates support instead for stronger penalties against the law breakers.

Your consideration of these feelings will be appreciated.

Sincerely,

LESLIE F. EDGERTON,  
*Executive Secretary.*

#### RESOLUTION RE FIREARMS LEGISLATION

Whereas, The California Fish and Game Commission shares the concern of all American citizens over increasing crime rates and additional restrictions being imposed on the rights and privileges of our people; and

Whereas, This Commission further has primary responsibility as conservator of this state's wildlife resources; and

Whereas, In fulfilling this responsibility in this sports-minded state this Commission has dealt at great length with firearms-related recreation and with firearms owners; and

Whereas, It has become clearly apparent that the vast majority of firearms owners and users are concerned, respectable and responsible individuals who derive great benefit from the legitimate and free recreational use of their firearms; and

Whereas, There presently are many restrictive proposals at the local, state and federal levels which would arbitrarily deprive or unreasonably hinder all firearms owners in the use of their weapons; and

Whereas, Such broad and restrictive proposals cannot be equitably imposed on all firearms owners and users, and further would serve no demonstrable purpose in reducing the incidence of firearms-related crimes; Now, therefore, be it

*Resolved*, That the California Fish and Game Commission vigorously opposes all firearms-related legislative proposals which would restrict the possession and free use of firearms by law abiding citizens in hunting, target-shooting or personal defense; and be it further

*Resolved*, That this Commission strongly supports any firearms legislation which is directed at the illegal or improper use of firearms, and particularly that which attaches strong, mandatory sanctions against those who are found guilty of committing such acts; and be it finally

*Resolved*, That copies of this resolution be distributed to President Gerald R. Ford, Attorney General Edward Levi, Senate Sub-Committee on Criminal Law and Procedure Chairman John L. McClellan, House Judiciary Sub-Committee on Crime Chairman John Conyers, Jr., and Members of the California Congressional delegation.

Adopted by the California Fish and Game Commission in regular meeting assembled this 30th day of May 1975 in Sacramento, California.

LESLIE F. EDGERTON,  
*Executive Secretary.*

---

CITIZENS FOR RESPONSIBLE GOVERNMENT.  
RANCHO CORDOVA, CALIF., August 6, 1975.

HON. PETER W. RODINO,  
*Chairman, House Judiciary Committee, Rayburn Building,*  
*Washington, D.C.*

DEAR SIR: The members of the Citizens for Responsible Government Committee point out to you that the Second Amendment guarantee of the right of American citizens to keep and bear arms makes no exception of handguns, cheap or otherwise.

The meaning of the Second Amendment is clear. It can be argued that the constitutional right does not protect individual ownership of battleships or bombers; but rifles, shotguns, and, above all, handguns are among the convenient and traditional types of arms which individual citizens can reasonably be expected to keep and bear in the interest of the security of a free state.

Through your committee we formally request the establishment of appropriate punishment, including fine, imprisonment and forfeiture of office, for those lawmakers who persist in exceeding their authority and violating their oaths of office—which are contractual agreements with the people—by introducing unconstitutional gun control legislation.

We further request the reading of this letter at a regular meeting of the full Committee.

Yours respectfully,

JOHN L. STEELY,  
*Research Director, CRG.*

---

LAS CRUCES, N. MEX., May 22, 1975.

HON. JOHN CONYERS,  
*U.S. House of Representatives,*  
*Washington, D.C.*

DEAR REPRESENTATIVE CONYERS: One of the prize possessions of manhood since our forefathers first settled America, always, has been the gun. The attitude toward firearms has become a historic tradition in the United States. It is a priceless freedom won by our forefathers which few other nations enjoy.

So strong was their conviction about the right of reputable citizens to own and use firearms for lawful purposes, they amended our original Constitution to provide that, "the right of the people to keep and bear arms shall not be infringed." So important was this limitation that it immediately follows the prohibition against violations of the rights of religion, speech, press, and assembly.

Through many years it has been necessary and accepted that young and old alike be intimately acquainted with firearms and use them as tools of everyday life.

Yes, guns have been and continue to be constructive tools in America. Today they are used to build healthy minds and bodies; to develop self-discipline, initiative, and team spirit; and to help prepare our young men to defend our American ideals, should the need arise, as did their forefathers.

Hunting and the shooting sports are wholesome forms of recreation which may be enjoyed for a lifetime.

Unfortunately, there is a growing prejudice against firearms. More and more excuses and half-truths are being found to propose legislation which denies the right to possess and use firearms for personal protection, for marksmanship training, for recreation, or even as collector items. Many anti-gun laws are presented by persons who believe that laws will prevent crime and accidental shootings. Others are advanced by those who seek assistance in the arrest and conviction of lawbreakers. All of them are pointed in the wrong way. They are aimed at the gun rather than the person who used it improperly.

We who prize the ownership and use of firearms are to blame if we permit the prejudice and opposition to continue to grow. We cannot afford to underestimate, until it is too late, the worth of guns to us and to America.

We must win more support from more people to prevent anti-gun legislation, to teach firearms safety, to encourage marksmanship, and to promote shooting and hunting as a wholesome form of recreation.

It is our responsibility to see that criminals who use guns for unlawful purposes are fully punished—not given a “bargained sentence” and turned loose. It is our responsibility to insist that all who own firearms use them properly.

As President of a large U.S. Forces Rod and Gun Club in West Germany during 1956–1959, I hunted and fished with hundreds of German sportsmen. Favorite topics of conversation were their actual experiences with this problem of gun registration. As a nation with a strong heritage of gun clubs and an ingrained right to own and bear arms the wiser heads cautioned against gun registration. Nevertheless, in the 1930's, the ruling party decreed and carried out registration, then licensing, then taxation, then confiscation. History relates how the ruthless ruling party took over the country.

Request your assistance in protecting the right of sportsmen in the United States to obtain, own and use firearms for proper lawful purposes, i.e., oppose ANY form of gun control.

Sincerely yours,

Col. EUGENE P. FAHRINGER, USA (retired).

LOS OLIVOS, CALIF., April 25, 1975.

Representative JOHN CONYERS,  
Chairman, House Judiciary Subcommittee, House of Representatives,  
Washington, D.C.

DEAR CHAIRMAN CONYERS: After 13 years as a reserve law enforcement officer, plus 20 years reading of military and socio-economic history I am totally unable to find any reason to believe that laws which tend to disarm the honest citizen will in any way reduce crime. Actually, the reverse seems to be true as indicated by the FBI reports from Orlando, Fla. during 1966 and 1967; and from Toledo during 1968 thru 1973. As for firearm accidents, I believe that education is the answer and the Drivers Education and Hunter Safety programs tend to confirm this.

I also believe that to ban “cheap” guns (as versus unsafe ones) is a form of economic discrimination. The poor man in the ghetto has far more reason to fear for the safety of his wife and family than the well-to-do one in his upper-class area. The criminal can afford to pay for an expensive gun, or a high price for one smuggled into the country if necessary.

I strongly request that laws be enacted, and enforced, which deal with the criminal misuse of firearms—not ones that make the honest citizen a “criminal” because he enjoys some form of shooting sports.

Very truly yours,

ROBERT L. GADDIS.



FLAGSTAFF, ARIZ., March 11, 1975.

HON. JOHN CONYERS,

*Chairman, Subcommittee on Crime, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.*

DEAR REPRESENTATIVE CONYERS: I have read of testimony heard by your subcommittee regarding firearms control. I would like to offer a suggestion for administrative procedure and a few of my own opinions and experiences.

I believe that there are, in this country, two separate situations which may require separate solutions. Law enforcement in large and small cities may be hindered by firearms in the hands of criminal elements. However, there does not appear to be the same kind of concern of the citizenry in the small city where I live as is reported in larger cities of the east. This observation leads me to believe that rural areas and small towns are in a different situation than large cities. Therefore, I suggest that any hearings attack not only the problem of the cities, but the effects of proposed legislation in rural areas and small cities. The hearings should not only explore the law enforcement part of the question, but the private, law-abiding citizen's needs.

I would like the subcommittee to know of the beneficial uses of firearms, and specifically handguns, by private persons. The examples I cite have really happened to me. I am an assistant professor in a university. My field of research is range and wildlife management, which takes me into the wilder areas of my state of Arizona and the West. In one period of two years, when I was heavily involved in outdoor work, four incidents occurred which made me very thankful that I had a handgun. On two occasions I was chased by foxes which approached within ten feet of me. I was on foot, alone, in southern Arizona. Rabies is a frequent problem there, and I was ready to shoot both animals to prevent my being bitten, when they stopped as a result of my aggressive noises and stance. On the third occasion, I was watching elk in a high-elevation meadow at sundown when I discovered, again about ten feet away, a large male bobcat which had stalked me. Had I not seen him and moved to a more threatening posture, he probably would have jumped on me. He retreated slowly, after circling me several times. People have been attacked by bobcats in Arizona, after which they had to have rabies shots. A serious threat to my life occurred when, on foot and alone, I was returning from a survey of javelina through some dense desert growth. From about 100 yards away a large brahman bull heard me and ran toward me, trying to locate me. Brahman are a very nervous and unpredictable breed, and can be very dangerous. This one was obviously ready to fight, and there were no trees large enough to climb. Fortunately for me, the wind was toward me and I managed to hide. Otherwise, I would have had to shoot a bull in order to save my life. It will be pointed out by proponents of firearms limitation that I did not kill any of these animals. My reply would be that a person less experienced than myself in the reactions of animals to certain types of human behavior might have had to kill them in self-protection. Even if the foxes were not rabid, the endemic nature of rabies in wild animals dictates a need for protection.

There is another beneficial use of handguns which I frequently employ. Anyone who spends much of his life in the outdoors in rugged country has approached serious injury while far from other people. In the West, three shots in a series is a signal for help. For this reason alone I carry a handgun when I am by myself. Larger weapons are too bulky and difficult to carry. Signal fires are not always feasible or wise, and other signal devices cannot be used to obtain food in the event of a protracted stay that results from a partially disabling injury.

I believe firearms legislation should be enacted to control inexpensive, dangerously-made firearms of all types, including parts thereof. I believe severe penalties should occur when a criminal uses a firearm in the commission of a crime. The subject of registration is a treatise in itself, and I will be content for now to state my fear of and opposition to registration of firearms.

We who use firearms beneficially may be in a minority, but our lives are as important to us as the lives of any other minority are to them.

Sincerely,

LEE FITZHUGH.

RENO, NEV., March 7, 1975.

HON. JOHN CONYERS,  
*Subcommittee Chairman, House Subcommittee on Crime,*  
*Washington, D.C.*

DEAR SIR: I respectfully submit this letter to you and your committee. I'm writing with regard to statements made before your committee by Supt. of Police of Chicago and the Police Director of Newark, N.J.

They are threatening you and the rest of the American people with MORE militancy if handguns aren't taken away from all the American people except of course, the police. Any more militancy on their part would constitute a police state.

I can't understand some people—taking our guns away would never stop the criminal from having their weapons. Are these commissioners fighting crime or the law abiding American people? I'm a certified pistol instructor for the N.R.A. I've had the pleasure of handling guns since I was about twenty years of age. I've never raised a gun against any person except overseas during WW2—I never shot at anyone, period. This is the same attitude of the very biggest majority of the millions of Americans who have handguns. Autos and planes are more dangerous than handguns—but they are all inanimate objects—there are thousands of inanimate objects that could become a dangerous weapon in the wrong hands.

Fear and ignorance seems to be the major rule, of handguns, in our country the past few years, brainwashed by many individuals such as those commissioners and others.

In this modern day and age, the handgun is a great hunting weapon, a great sport in target shooting plus a very important weapon for defense. At close quarters, its the most efficient weapon in the hands of one that has had some training in the use and respect for the handgun. The criminal as a rule thinks twice if someone else has a weapon. There are hundreds of cases in this country where a person saved his or her life, family, home, etc.—by having a handgun very available, on his person, in a auto or at home.

These above commissioners and certain other persons in this country, are trying to break down our defense, from foreign and domestic enemies. England put out a cry for help, they wanted all the guns we could send, personal or otherwise—to be put in the hands of their citizens during the attack on England of WW2. WHO would help us if we were attacked?

The police are supposedly working for the American people—we pay their salaries—but there have been many unjust attacks on law abiding American citizens by some over zealous police and some over zealous federal agents.

Now all police (Thank God), are not like the above, just a minority of loud-mouthed individuals—most others believe in what I previously mentioned about the criminal element and the unarmed citizen.

Most police do their jobs, they arrest a criminal, whether its for murder, assault, rape, etc. Most courts let them out on the streets again and again to "ply their trade". So why do some of the law enforcement agencies want to stab the honest law abiding citizen in the back?

When you hear of all the ridiculous laws being thrust on the American people—most of which are cutting into our freedoms that were established by our thoughtful forefathers—one wonders if we will be able to celebrate our Bicentennial next year? This nation was born of freedom—could the people of this nation be subjugated?

You gentlemen may some day be off of this committee and then be a plain JOHN Q. PUBLIC—your status will be the same as any other citizen.

Think of one law of nature—"Self preservation"—you and your family—and then also think of our Constitution.

Thank you.

Sincerely,

M. ZWIBEL,  
*Lieutenant Colonel USAF (Retired).*

BANNING SPORTSMAN'S CLUB, INC.,  
Banning, Calif., May 9, 1975.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary, U.S. House of Representatives, House  
Office Building, Washington, D.C.

DEAR SIR: The Secretary of the Banning Sportsman's Club, Inc., has been directed by the Board of Directors and by the unanimous vote of all members present at its meeting of May 8, 1975, to state the Club's position on proposed gun legislation coming before your committee. The following statement was prepared in harmony with that direction and it too has been approved by the Board and by the membership.

Gun control laws will not end violent crime—just the opposite. Those laws will affect only law abiding citizens since criminals cannot legally possess guns now, so any new gun control law cannot deprive them of anything that present gun control laws do not deprive them of. The problem which confronts America is one of enforcement of existing laws, not the enactment of more laws.

To disarm the decent law abiding citizen is to render himself helpless before the armed violator of that law, but an attacker will have second thoughts about choosing a victim when there is a good chance that that person may be armed. To confiscate all guns will remove all doubt from his mind.

The right to keep and bear arms is an integral part of the natural, constitutional and God given right to self preservation. It is privately conceded by most law enforcement agencies, and specifically stated by Los Angeles police Chief Davis (and has he been catching it for telling it like it is) that the police cannot provide the protection to which the individual citizen is entitled.

People who argue that gun legislation, licensing and/or confiscation will curb crime do not deal in facts. F.B.I. figures tell us that guns were used in 52.2% of all murders committed from 1969 through 1973. When looking at figures in the overall context of violent crime, however, which includes murder, aggravated assault, forceable rape and robbery, firearms were used in only 15.5% of the cases in 1973.

Another frequently cited "danger" is that of home accidents. Figures from "accident facts" published by the National Safety Council, show that from 1967 to 1973 firearms placed last in the top seven causes of accidents nationwide.

In 1973 firearms fatalities amounted to only 4.83% of the number accounted for by traffic accidents.

Suicides? 1970 figures show that less than half of the suicides were committed by use of any type of firearms or explosive.

The Banning Sportsman's Club has sixty-eight active members. Its membership is made up of influential, sports minded people, every one of whom owns guns and all of whom feel strongly about the matter. We consider that action by our representatives on this issue is of much greater importance than the action those representatives may take on other important issues. The threat posed by the proposed legislation constitutes a direct attack upon valuable and basic right. The fact that when guns are available to all some persons are killed in spur of the moment slayings, some by accident and some by suicide, while deplorable, is of slight consequence when weighed against the disadvantages above referred to. You are urgently requested to kill any further anti-gun legislation.

Sincerely,

LESTER J. JOHNSON,  
President.  
D. I. BIBY,  
Secretary.

---

SPORTSMEN'S COUNCIL OF CENTRAL CALIFORNIA,  
April 25, 1975.

Hon. PETER W. RODINO, Jr.,  
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.

DEAR SIR: We are much impressed with H.R. Bill 4759. This type of legislation is demonstrative of an intelligent and conscientious effort to provide a means of deterring violent crime without needlessly penalizing the honest and law abiding citizen, sportsman, and gun owner. The sponsors of this bill should be commended for their efforts toward this end.

We, therefore, urge you most fervently to do all in your power to expedite the processing of this bill into law.

We thank you in advance for your efforts in this matter and would appreciate hearing from you on this matter.

Sincerely,

JOHN DWYER, *Firearms Chairman.*

REDWOOD CITY, CALIF., July 20, 1975.

Re Gun control legislation

Congressman JOHN CONYERS,  
House Office Building,  
Washington, D.C.

DEAR SIR: It is my opinion that any further gun control legislation is not necessary. What is necessary in the fight against crime is to pass mandatory prison sentences for people convicted of violent crimes, be they committed with a handgun, club, or knife. Violent people have no place in our society. I further suggest that laws be created to prevent local district attorneys from plea bargaining violent crimes into lesser crimes. This type of legal trickery is no less a major cause of our continuing inflationary crime rate than the judge who sees fit to turn rapist and armed thieves loose on our society.

In California a short time back I read in the newspaper that Senator Robert Kennedy's assassin may be paroled in a few years. I also read that Charles Manson may be freed from prison along with some of his "family". I then received information that the California State Legislature is currently considering legislation, AB-2426, that would ban the private ownership of handguns. I must say that I fail to see the rationale. This type of legislation does little to create a sense of confidence in our judicial process. The law makers have done nothing to make certain that men like Manson never receive parole, but are considering legislation that would make the means of protection against a man like Manson a felony.

What we need are laws that will make a person responsible for his own actions. What we need are judges and district attorneys that will enforce the law and see to it that the criminals are punished and not set free to rape and rob honest people.

Please Congressman Conyers, consider that if you or one of your family is the victim of a violent crime that the judicial system as it now stands will make certain that that man is set free to hurt someone again. No amount of legislation you can pass on gun control will prevent this. As a six year veteran in law enforcement I can say that this is most certainly the case, the very sad case against our judicial system. Out of a hundred men convicted of crimes only three will ever see the inside of any prison. The remainder are set free to hurt again.

Thank you.

Yours truly,

ROBERT C. BERGSTROM.

VALLEJO, CALIF., July 21, 1975.

Hon. JOHN CONYERS,  
House Judiciary Subcommittee on Crime,  
House Office Building, Washington, D.C.

DEAR MR. CONYERS: I wish to express my opposition to further gun control legislation. Gun control legislation will not lower the crime rate. The criminal will ignore gun control laws just as he ignores laws against robbery and murder. Gun control laws will only assist in further victimizing the law-abiding citizen.

I oppose reducing the number of licensed handgun dealers. There is no reason why a citizen with no criminal record should be denied the right to engage in such a business, no matter how small his volume. I am surprised the Treasury Department does not favor this form of voluntary registration.

I furthermore oppose a ban on the domestic manufacture and sale of cheap handguns (Saturday Night Specials). This does nothing more than restrict the freedom of choice of the American consumer. Such legislation will not take guns out of the hands of the hardened criminal, or even the casual hoodlum. This legislation will mean only that these thugs will have to pay more for the gun, steal one, or make one.

Instead of gun control, let us first try criminal control. Crime is profitable in this country, with less than 10% of those arrested for serious crime ever going to jail. The crime rate will continue to climb until these statistics are changed. Let us first punish those that misuse firearms, before we further restrict the freedom of our law-abiding citizens.

Respectfully yours,

JAMES E. MCCONNELL.

RICHMOND, CALIF., July 25, 1975.

Representative JOHN CONYERS,  
Washington, D.C.

DEAR SIR: The passage of gun control bills in America will prove to be an insufferable imposition without any hope of effecting the incidence of crime. This has been proven time and again the world over.

Millions of your constituents depend on you to uphold democratic principles, not bury problems under simplistic prohibitions.

The causes of crime are deep and complex. Attacking the symptoms with police state repression and institutionalized revenge has a reverse effect.

Until we eliminate the financial incentive to crime it will exist and thrive.

Denying the citizen his right of self defense is giving license to violent and avaricious individuals to do as they like. This is especially true in the case of the poor.

The police rarely prevent crime. They react after the fact. Only stupid and unlucky criminals are ever caught and few of these are prosecuted. Incarceration is merely time out to compare notes with lessons in violence and degradation on the side. It costs as much to keep men in prison as it does to put them through college.

Criminals and crime syndicates ignore any and all firearms laws and can easily manufacture or import their own guns. In America the home-manufacture of arms and ammunitions would be relatively easy. Only the profit motive is lacking, restrictive laws tend to encourage black marketing of goods, and guns are no exception. Criminal and subversive organizations as well as corrupt police and government officials will welcome the trade.

The only practical application of gun control laws historically has been made by unpopular dictatorships to insure their rule.

These laws will result in (if continued to compound one another) the criminalization of millions of otherwise honest citizens and a general disrespect of all laws.

Give us fewer laws and the freedom to live our lives without the ensnaring tentacles of bureaucracy and shoddy commercialism. The greatest crimes of all time are being committed by industrialists and "developers" who poison and despoil our world for profit.

This gun hysteria is a red herring designed to distract the uninformed public from the realization that no serious efforts are being made to provide full employment and meaningful education in our cities. In the forty or fifty nations of the world which have already adopted the falacious principle of government firearms control, the rate and method of violent crime remains at best constant. It is impossible to disinvent the gun; in any case the method is secondary to the motive.

The only means of enforcing these futile edicts lies in the further destruction of our bill of rights. Carry this line to its ultimate end and we'll have the crooks running the police and the country. Hitler and Stalin used gun control to prevent any means to rebellion. In Switzerland and mainland China all citizens are trained as militia in the use of small arms; they have little crime.

As a citizen of good conscience I implore you not to support this sort of retrograde legislation on the grounds that with it comes an almost irreversible erosion of our constitution and democratic way of life.

WILLIAM M. COPENHAUEN.

P.S. Through gun control you are well on the way to creating an armed underground the likes of which has never been seen. No sane man will give up his weapons until something is actually done about crime. Crime is not an object, it is an act, done out of desperation and frustration.

CITIZEN'S CONSTITUTIONAL COMMITTEE,  
Kansas City, Kans., May 7, 1975.

Congressman PETER W. RODINO, Jr.,  
Chairman, House Judiciary Committee,  
House Office Building, Washington, D.C.

DEAR CONGRESSMAN RODINO: Enclosed with this letter please find a total of 1,437 individual signatures on 111 individual petitions expressing opposition to "... any legislation, local, state or federal which would result in firearm confiscation or registration."

These petitions were circulated by friends and supporters of the Citizen's Constitutional Committee, a private, voluntary non-partisan educational organization, in the Kansas City, Missouri-Kansas metropolitan area. We have the original petitions on file at our office should you or any member of the Judiciary Committee wish to examine them.

Our experiences in obtaining signatures for these petitions have confirmed our position that the real majority of Americans do not support restrictive gun control legislation. Further, we see evidence that citizen resistance to the anti-gun drive launched by the television networks is forming and that this issue will most probably be crucial in the next election.

We hope you and other members of the Judiciary Committee will take this evidence of opposition to such repressive legislation into account when formulating your position on this issue.

We would appreciate your comments and also an acknowledgment that you have personally received these petitions. Copies of this letter are going to all members of the Judiciary Committee.

Sincerely,

MARIUS F. POINTELIN,  
Chairman.  
LAIRD M. WILCOX,  
Research Director.  
PATRICIA A. WEST,  
Research Associate.

---

LOMPOC SPORTSMAN ASSOCIATION,  
Lompoc, Calif., April 29, 1975.

Congressman PETER W. RODINO, Jr.,  
Chairman, House Judiciary Committee,  
Rayburn House Office Building, Washington, D.C.

DEAR SIR: We are very much impressed with H.R. Bill 4759. This type of legislation is demonstrative of an intelligent and conscientious effort to provide a means of deterring violent crime without needlessly penalizing the honest and law abiding citizen, sportsman, and gunowner. The sponsors of this bill should be commended for their efforts toward this end.

We, therefore, urge you most fervently to do all in your power to expedite the processing of this bill into law.

We thank you in advance for your efforts in this matter and would appreciate hearing from you on this matter.

Sincerely,

JOHN DWYER, President.

---

NORTE VISTA MEDICAL CENTER, LTD.,  
Hobbs, N. Mex., May 29, 1975.

HON. JOHN CONYERS,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. CONYERS: This letter will support my stand of opposition to gun control laws.

I would strongly favor the repeal of the Gun Control Act of 1968 (S.-141) and the imposition of stiffer penalties for the use of a firearm in committing a felony (S.-142).

I would much prefer to see your subcommittee on crime become tougher on the criminal (including the punishment of the criminal for wrongdoing) rather than to control firearms, which in turn deprives millions of law-abiding citizens of a basic right given us by our founding fathers, not to mention the loss of many hours of pleasant recreation.

Sincerely,

FRANK P. MALDONADO, M.D.,  
Department of Orthopedic Surgery.

EL CERRITO, CALIF., May 6, 1975.

Congressman RODINO,  
House Judiciary Committee,  
House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN RODINO: For such purposes as developing and securing domestic tranquility and the blessings of liberty the U.S. Constitution was ordained and established. Its second amendment, concerned about security of a free society, specifies that the right of its people to keep and bear arms shall not be infringed.

Allegedly to control crime today's attention is toward controlling guns rather than decreasing criminals. Fire, baseball bats, knives, dynamite, guns and government are useful servants but fearsome masters and it is folly to believe crime can be diminished by measures not addressing the misuse of such instruments.

A person willing to break the law by using a gun certainly will not comply with gun control laws. A bigger black market will flourish. When people cannot protect themselves crime will increase.

Hawaii with the lowest rate of gunownership has twice the crime rate of Wyoming where rate of gun ownership is highest. NYC has had a stringent gun registration and control law for about 50 years, yet suffers a national 21% of all robberies. Recently Baltimore induced collection of 13,500 firearms yet gun related murders increased 50%.

Congressman Crane of Illinois has introduced legislation mandating increased control of firearm-using criminals. Criminal control, not gun control, will decrease crime yet not tinker with our constitutional provisions for enforcing freedom.

Remember only the government has guns in the hell and bondage of USSR's "Gulag Archipelago."

Very truly,

JOHN J. HARTFORD, M.D.

McCULLOCH, RAY, TROTTI, HEMPHILL & MEADOWS,  
ATTORNEYS AND COUNSELORS,  
Dallas, Tex., May 8, 1975.

Representative JOHN CONYERS,  
House Office Building, Washington, D.C.

DEAR MR. CONYERS: I should like to express my strong opposition to any new "gun control" legislation. Any law providing for registration, licensing, or confiscation of firearms would only affect those who are willing to obey the law. The person who is already willing to commit rape, robbery, or murder would be just as willing to violate any new law requiring him to surrender, register, or obtain a license for his gun. Surely it is not necessary to take away rights of the innocent majority by legislation which will have no effect on those at whom it is directed. It is time to consider the rights of the victims for a change.

I may not, as one Congressman has suggested, shoot ducks with a handgun, but I do hunt other game with one. I consider target shooting with a handgun a highly pleasant and relaxing sport. If forced to do so, I would defend my home and family with a handgun. To deprive me of these rights would accomplish no useful purpose. I do not want to be protected from myself—I want to be protected from those who use their firearms illegally.

Mandatory additional penalties, without possibility of parole, for using a gun to commit a crime would deter the criminal misuse of firearms, but imposing additional unnecessary and ineffective government control on the rights and

freedoms of law-abiding citizens will not. More laws to controil the law-abiding citizen will not make him more safe—only less free!

Finally, I urge you to take whatever steps may be necessary to prevent the Consumer Products Safety Commission from acting on the pending petition to ban handgun bullets. This is surely not a legitimate subject for consideration by an administrative agency. The real question is not whether the product is inherently unsafe, it is whether all handguns should be banned to prevent their misuse by a small minority. This question should be reserved to the people through their elected representatives.

Sincerely yours,

DONALD J. HAHN, Jr.

---

COCONINO, SPORTSMEN,  
*Flagstaff, Ariz., March 5, 1975.*

HON. JOHN CONYERS,  
*Washington, D.C.*

DEAR MR. CONYERS: We, of the Coconino Sportsmen, are opposed and we will be opposed to the present bills in your committee and any other bills that may arise, which, deal with the registration, confiscation, bounty systems, etc. on firearms or their components. We will continue to urge our congressmen to vote against such proposals. We would be in favor however, of legislation which would call for the Judicial Systems to rigidly enforce the laws and statutes *already* in existence and on record.

Sincerely yours,

ACE H. PETERSON, *Secretary.*

---

OAKLAND, CALIF., *June 11, 1975.*

Congressman CONYERS,  
*U.S. Congress, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: Enclosed is a clipping from the June 10, 1975. *Wali Street Journal.*

I was appalled to read that you quoted what was obviously the comments of a "small time street hood" as an example of the reactions of the average handgun owner. Yet, you admit to having been a handgun owner yourself.

The average handgun owner in America is an average middle class citizen, he is law abiding, and very concerned with the crime situation of today and extremely conscious of the safety precautions which must be assumed with the ownership of a handgun. He has purchased a handgun for one of two reasons or both reasons: 1) for home protection 2) for target practice.

The average handgun owner is against gun registration because it is "the first step toward the banning of guns." I must include myself among these. I logically can see that strong registration laws could be beneficial and although I do not own an unregistered weapon I am truly worried that I soon may own none because of the current upheaval over gun ownership in the U.S. This fear is causing gun owners such as myself to seek out and purchase unregistered weapons.

If, in fact, registration is a deterrent to the criminal, which I have not seen evidence of under the current laws as they now stand, let's make those laws sufficiently strong so as to make it difficult to purchase an unregistered weapon.

Garage dealers, and private sellers are not now responsible for registering a gun sale, the buyer *is* but seldom does so. Make the registered owner of the gun responsible for its registration to the new owner and make him an accessory to any crime committed by that gun while it is registered in his name. A bill of sale should not be sufficient to clear him of responsibility, only the re-registration of that gun or proof of theft by means of a police report, should be sufficient to clear him.

Second, I wish to express my agreement with the banning of sales of the "Saturday Nite Special" if for no other reason than to protect the consumer from inferior quality goods which may be dangerous.

Sincerely,

MS. IRENE S. REBACK.



L. E. JARRATT CONSTRUCTION Co.,  
Lakewood, Colo., July 20, 1975.

Mr. JOHN CONYERS, Jr.,  
Chairman, Subcommittee on Crime,  
Washington, D.C.

DEAR MR. CONYERS: I was so sorry that I didn't get to testify before your committee on crime, while you were in Denver.

"I WISH TO STATE MY VIEWS"

Crime cannot be controlled by taking the guns away from everybody. That is not the answer. The States will not enact laws to punish criminals, so it will be the duty of the U.S. Government to do it for them.

All guns can come under Interstate commerce, thus the U.S. government can do something about the crime business. Giving the States money to combat crime is not the answer. The money is squandered and not put to the proper use. The main fault in our crime business is the prosecuting attorneys and the judges. The prosecution always try to take the LAZY way out, by "plea bargaining" (wrong), if you want to deter crime. Next, the judges must have it laid on the line—"mandatory sentences". The sentences must be spelled out to fit the crime without pardon or parole. It is known truths, that once a criminal, always a criminal.

Taking the guns away will not stop the criminal from getting all the guns they want—so what do we do? Make the penalties so severe that decency will not be violated.

"For any felony being committed, with the use of a firearm—knife—club—or explosive device—or imitation thereof, shall receive a mandatory sentence as follows: A felony, committed with any of the above articles, when no bodily harm has been done, shall be sentenced to LIFE imprisonment, without pardon or parole. A felony, committed with any of the above articles, when bodily harm or death has resulted, shall be sentenced to DEATH (MANDATORY) without pardon or parole.

To control crime—take the criminal away from society, not the guns away from society.

Thanks very much for the opportunity,

LOWELL E. JARRATT.

MISSOULA, MONT., August 6, 1975.

President G. R. FORD,  
White House,  
Washington, D.C.

DEAR PRESIDENT FORD: I am writing to express my opinions on your administration's "compromise" gun control bill.

(1) Mandatory punishment for persons who commit crimes with dangerous weapons (knives as well as guns?) is a major step forward. Indeed increased sentencing should be employed for carrying a weapon while committing a crime. These efforts may encourage criminals to leave their weapons at home.

(2) The "delay" imposed on handgun purchases pending a security check has the obvious potential of severe bureaucratic abuse. The most apparent is the fact that such a "routine check" amounts to defacto registration via the analysis of the potential purchaser. It is incumbent on the administration to avoid the potential bureaucratic abuse of such a system which will only provide more dossier-type information on individuals. I believe some other alternative is needed.

(3) The length-height specification is a foot-in-the-door situation. Once the "door" is opened the "specifications" can/will be increased to include all handguns. As is well known, even the largest handguns can be concealed upon a person with a bit of ingenuity.

If, and this is a big if, the banning of cheap "Saturday Night Specials" is the objective, the elimination of many of these arms can be realized by establishing uniform standards for materials of construction, proofing of arms and safety requirements in design. These methods would, by increasing the cost of the "SNS" guns, remove most of them from the market.

It matters little whether one supports former U.S. Attorney General Ramsey Clark's position that adverse social conditions breed crimes or the more conservative viewpoint that crime is a result of deliberation rather than desperation be-

cause it is increasingly apparent that anti-firearms legislation only treats a symptom and not the causes of crime (Time, June 30, 1975).

Senator James A. McClure, Idaho, illustrates this fact when he cited figures relating that 99.98% of the privately owned handguns are not used to commit murder (Congressional Record, Vol. 14, No. 44, March 18, 1975). Senator McClure observes that Congress can take positive steps to reduce the crime problem by getting criminals off the streets. He states that "more attention is being given to restrictions on guns than there is being given to restrictions on the criminals who use guns".

Aptly, he also states that the real goal of the "anti-firearms people" is the total confiscation of privately owned firearms. Obviously if (as reported by FBI statistics) guns are involved in less than 4% of the serious crimes the total abolition of guns will leave 96% of the crime problem unresolved. The anti-gun people are therefore more concerned with outlawing private firearms than with the resolution of the crime problem (Field and Stream July, 1975).

Firearms ownership is not the key to crime control. For example, an international study of homicide rates revealed that the U.S. was 40th from the top of homicide rates in the world. The "top 39" were countries which all require registration and most ban gun ownership completely (except for the politically chosen few). Switzerland, which on the other hand requires every male over the age of 16 to keep arms at his home, is 95th on the list (Note—in 1968 figures the U.S. had a homicide rate of 6.8 per 100,000—Switzerland had a homicide rate of 0.7 per 100,000). In England in the face of ever-increasing firearms restrictions the number of gun-armed robberies increased from 4 to 274 (7000% increase) from 1954 to 1970—indicating that "open-control" is not the answer!

What can be done? Much, I believe. First, each person must be held accountable for his actions. Thus if he commits a crime, punishment must be swift, sure and appropriate. Consider that an adult burglar has only one chance in 412 of going to jail for any single job. For juveniles the figure is 1 in 659. With these odds crime does pay! (Time, June 30, 1975).

We need better laws to insure that offender will be caught and convicted. As Senator McClure has stated, it is necessary to get the criminals off the street! More efficiency is needed in the courts and certainly is needed in sentencing. British crime rates are lower than ours because the British people have a greater respect for the law and its enforcement. Also, British courts make it a near certainty that criminals will be quickly and severely punished (Field and Stream, July 1975).

The weakness in the "law" is exemplified by the attached article entitled "Freedom to Kill". It is obvious that there has been a serious breakdown in dispensing justice in this case, i.e. (1) society has not been protected, (2) the "justice" meted out in this instance is not a deterrent to others, (3) no rehabilitation has been effected (if it was possible) and (4) neither the judges nor psychiatrists have been held accountable for their actions in releasing this man.

In 1972 a friend's son was murdered at a drive-in near Missoula by a youth who had been convicted of rape, interstate auto theft, and permanently injuring another person with a hammer. Yet this person was out on "jail-release" without supervision at the time of the killing. The persons responsible for his release (psychiatrists, law officials, etc.) should have been held accountable for this person's actions. As it is the killer will be released from the Deer Lodge prison after 13 years. Will he kill again? How many people does he have to kill before he is either executed or placed in jail without an opportunity for release ever?

I stress that this gun control issue does not confront the real problem as noted above. It is obvious that it is primarily an attempt to ban the private ownership of firearms. "Crime control" is a convenient vehicle designed to cloud the issue. Let us punish the criminal, not honest citizen. If a person uses a gun in a crime, punish that person severely. Overturn the Supreme Court decision which states that a felon cannot be required to comply with any law involving registration or licensing of a firearm since the information required would be self-incrimination, and therefore a violation of his/her rights under the 5th amendment. Stop coddling criminals.

In summation I find that the only portion of your proposal that is of merit is that section providing for the mandatory punishment of persons using firearms while committing a crime.

Sincerely yours,

VITO A. CILIBERTI, Jr.

DENVER, COLO., July 30, 1975.

*To Chairman, House Internal Affairs Committee:*

How will I protect myself, my home and property, under proposed gun control legislation. With a sawed-off broom handle which I carry in my car? While thugs have guns, clubs, knives, etc. Or they kick a person down and stomp their head.

I have been slugged once in this neighborhood and more recently held-up by two gunmen by my car where I live at a busy intersection, 11th and Grant Street, and close to a 4-foot neon light. This was at 8 P.M.

There is nothing about me that would attract. I have no rings or watches, or expensive clothes.

Many of us started with nothing and made our own way all our lives. There is plenty of work if a person wants to look for it.

Now young men in good health are paid for doing nothing, and are paid for getting an education which they do not appreciate, and which they expect as a form of welfare.

FELIX SIMON.

---

MR. & MRS. EUOENE S. HOOAN,  
Aurora, Colo., June 25, 1975.

HON. JOHN CONYERS,  
House of Representatives,  
Washington, D.C.

DEAR SIR: Thank you for coming to Colorado to conduct your hearings on the question of gun control.

You set a good example for the rest of Congress in that at least a large part of the nation's business should be conducted at various places throughout the nation and not only in Washington. Field hearings not only give more Americans an otherwise-unavailable opportunity to participate directly in their government; such hearings also must have a beneficial effect on government leaders themselves by removing them from the Washington atmosphere and giving them some "feel" for the opinions of the backwoods, as it were.

On the specific matter of gun control, may I add a fervent voice to the chorus of opposition against gun control. As many said during your visit here, it is crime not guns that needs control. In fact until crime is totally eliminated from our life (never, probably), I firmly believe the honest man has a moral as well as a constitutional right to keep arms at hand for the defense of his family.

Sincerely,

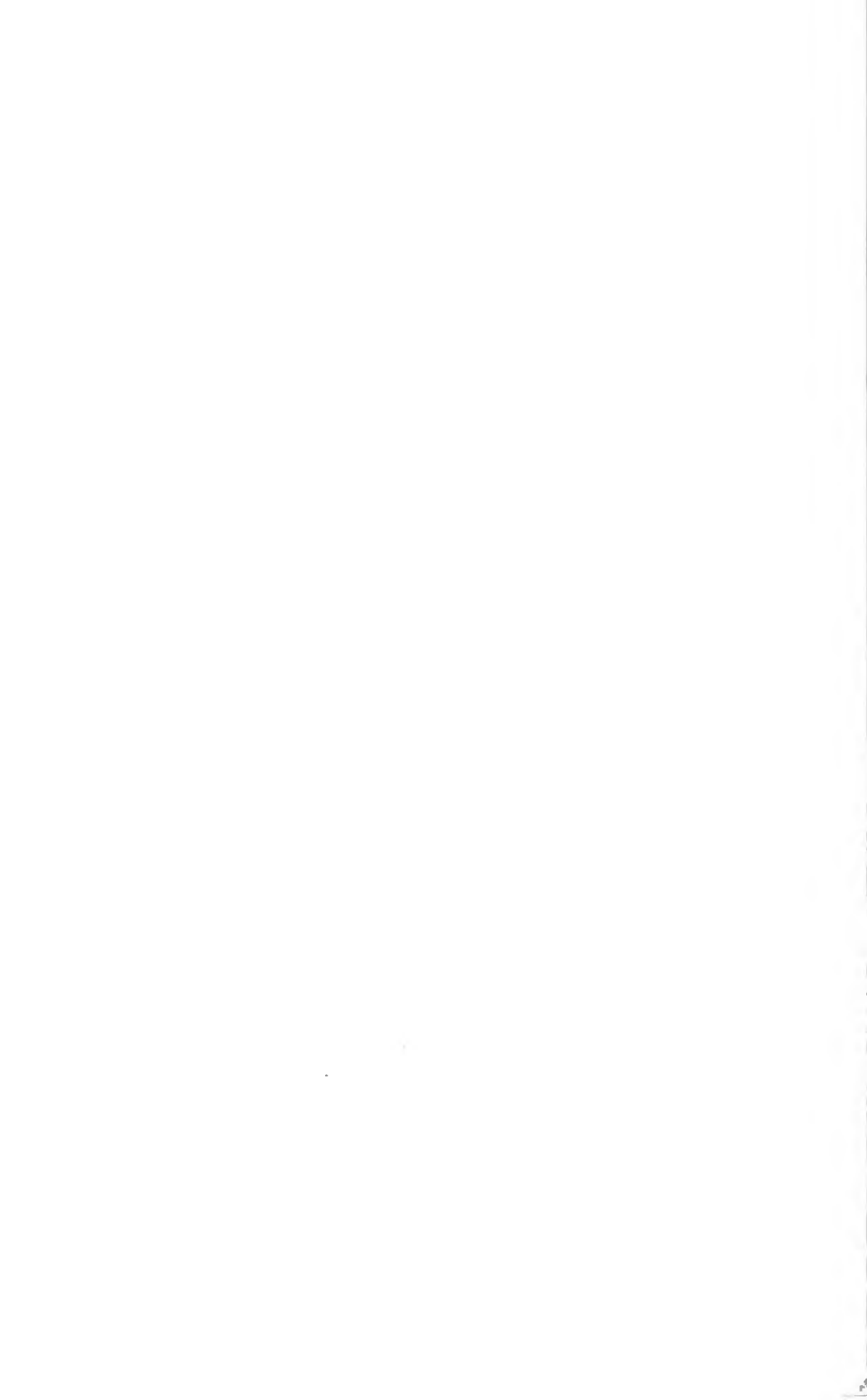
EUOENE S. HOOAN.









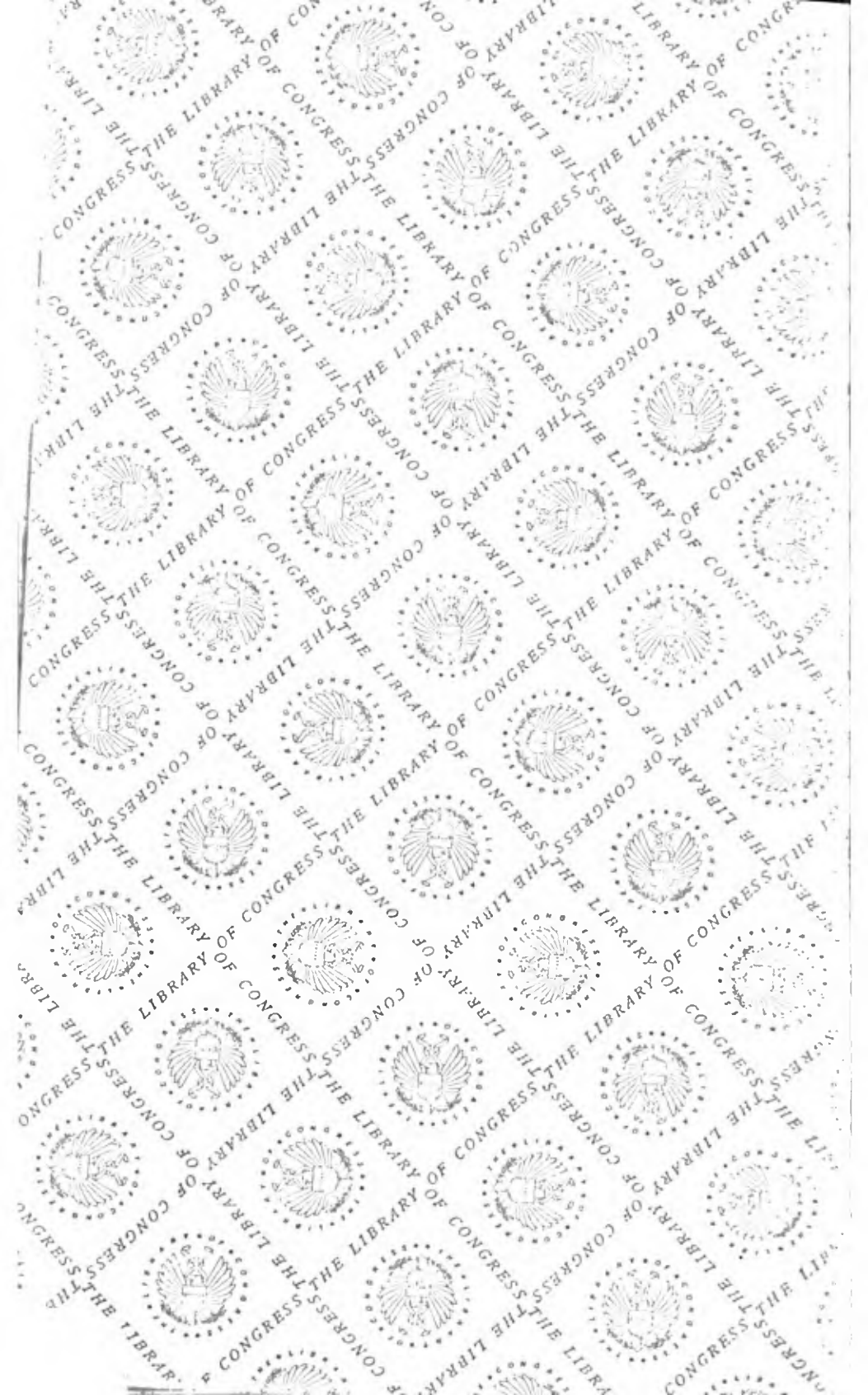




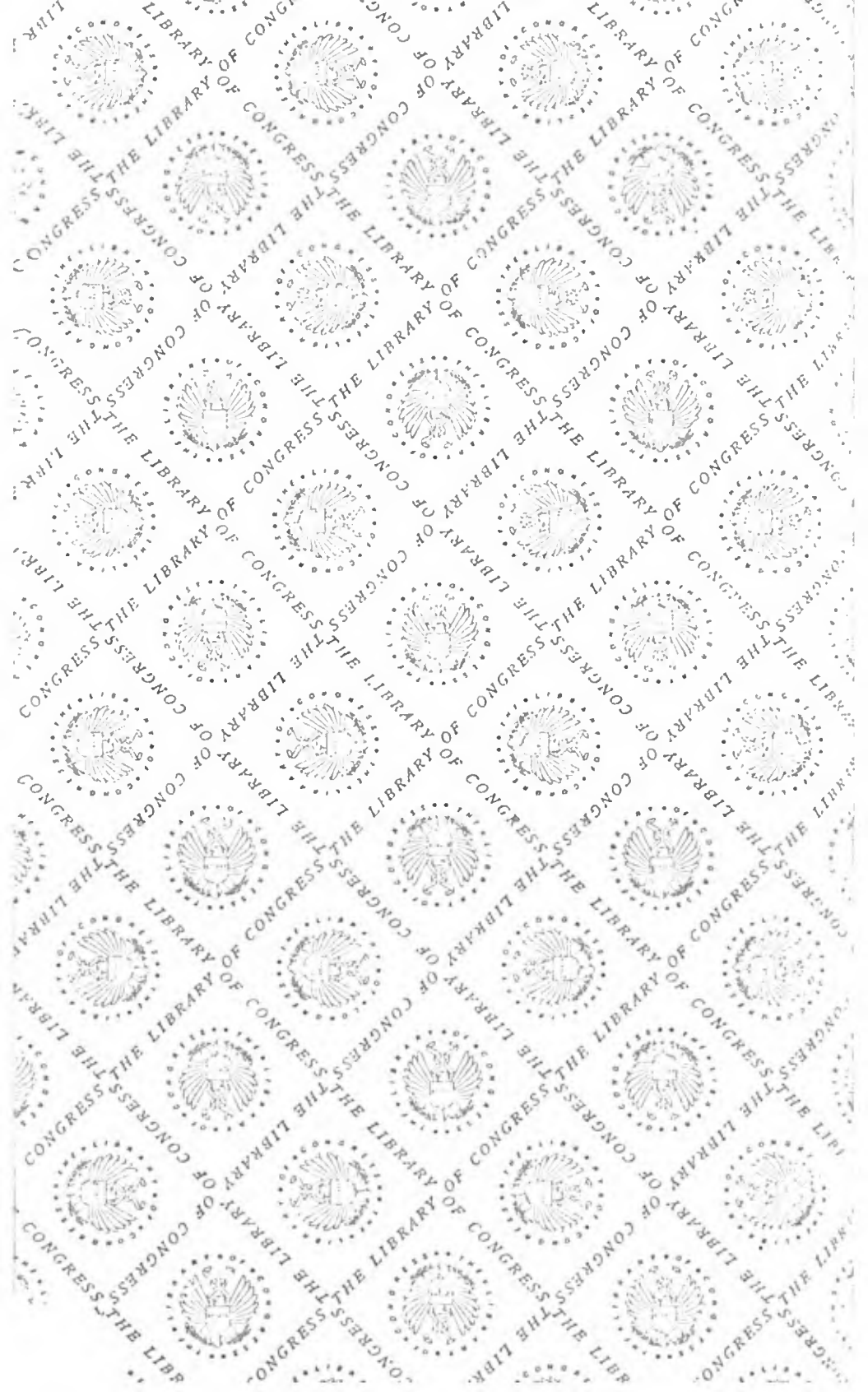


4 - JAN 26  
Copy — 1976











APR 26

LIBRARY OF CONGRESS



0 018 385 419 7